



W.A(MD).No.1028 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 01.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.1028 of 2018
and
C.M.P(MD)No.7634 of 2018**

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.
2. The Commissioner/Director of Survey and Settlement,
Chepauk,
Chennai.
3. The Additional Director of Survey and Land Records,
Chepauk,
Chennai.



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4. The Assistant Director of Survey and Land Records,
Madurai -20.

..... Appellants/Respondents

Vs.

G.Gunasekaran

....Respondent/Writ Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed in W.P.(MD)No.19556 of 2015, dated 09.11.2016.

For Appellants : Mr.N.Ramesh Arumugam,
Government Advocate

For Respondent : Mr.P.Andiraj

JUDGMENT

The respondents in W.P.(MD)No.19556/2016 aggrieved by the order of learned Single Judge, dated 09.11.2016 allowing the writ petition, have filed the present Writ Appeal.

2. W.P.(MD)No.19556 of 2016 has been filed by the first respondent herein G.Gunasekaran, who had retired from service after



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having attained the age of superannuation in the year 2012. However, the writ petition had been filed in the year 2016, in the nature of a Mandamus seeking a direction to the present appellant to regularise his services from the date of his initial employment in accordance with G.O.(Ms)No.996, Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984 and to give notional promotion and to pay monetary benefits retrospectively.

3. In effective, the first respondent herein had placed reliance on G.O.(Ms)No.996 Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984. The first respondent had joined duty on being sponsored by the Employment Exchange and appointed as Surveyor/Draftsman under UDR scheme, Dindigul. He had joined service on 14.03.1983.

4. The learned Single Judge in the order, had referred to two other Writ Petitions, namely, W.P.(MD)Nos.12477 and 12478 of 2007, dated 25.03.2014 and therefore, granted regularisation of services of the first respondent herein. It was also observed that it was not in dispute that



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the first respondent was in service as on 25.06.1984 and therefore, had granted the relief sought in the writ petition in accordance with G.O.(Ms)No.996, Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984.

5. The learned Government Advocate, however, pointed out that a similar issue had come up for consideration before a Co-ordinate Division Bench of this Court in ***W.A.(MD)No.1392 of 2017 in Government of Tamil Nadu, represented by its Secretary to Government, Revenue Department, Chennai and three others Vs. M. Mainoortheen.*** The first respondent therein had also filed a similar writ petition in the nature of Mandamus seeking a direction to regularise his services from the date of his initial appointment in accordance with G.O.(Ms)No.996, Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984. The first respondent herein is very similarly placed to the 1st respondent in W.A.(MD)No.1392 of 2017.

6. The Division Bench had observed that G.O.(Ms)No.996, Personnel and Administrative Reforms (Placements) Department,



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dated 22.09.1984 would not be applicable to the Tamil Nadu Survey and Land records Subordinate Services. It is specifically applicable only to the Tamil Nadu Ministerial Service / Tamil Nadu Judicial Ministerial Service and also only to those who had been appointed as Junior Assistant, Typist and Steno-Typist recruited through Employment Exchange under General Rule 10(a)(i) and who are in temporary service as on 25.06.1984.

7. The 1st respondent herein does not belong to any of the aforementioned services. He was appointed as Draftsman (Technical Wing) under the Tamil Nadu Survey and Land Records Subordinate Services. It is obvious that G.O.(Ms)No.996, Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984 is not applicable to him.

8. The Co-ordinate Division Bench of this Court in W.A. (MD)No.1392 of 2017, vide order dated 05.03.2024, had observed as follows :

“5. On perusal of the G.O.(Ms.)No.996 dated



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22.09.1984, it is seen that the services of all the temporary personnel in the category of Junior Assistant, Typist and Steno Typist in the Tamil Nadu Ministerial Service/Tamil Nadu Judicial Ministerial Service and Typist and Steno Typist in the Tamil Nadu Secretariat Service recruited through employment exchange under General Rule 10(a)(1) and who were in temporary services as on 25.06.1984 be regularised with effect from 25.06.1984 in the same category and in the Department in which they were working. But the respondent/writ petitioner was working as a Draftsman (Technical Wing) under the Tamil Nadu Survey and Land Records Subordinate Service. Hence, the G.O.(Ms.)No.996 Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984 is not applicable to the respondent herein and the writ appeal has to be allowed.

6. In the result, this Writ Appeal is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.”

9. The ratio is directly applicable to this case.



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10. Accordingly, the present Writ Appeal stands allowed.

The order of the learned Single Judge is, therefore, set aside and the Writ Petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) (R.P., J.)

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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