



W.A(MD)No.1392 of 2017

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 05.03.2024**

**CORAM:**

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN  
and  
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A.(MD).No.1392 of 2017  
and  
C.M.P.(MD).No.10037 of 2017**

1. Government of Tamil Nadu  
represented 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,  
Madurai – 20,  
Madurai District.

... Appellants

*Vs.*



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... Respondent

**PRAYER:** Writ Appeal is filed under Clause 15 of the Letters Patent, against the order of this Court, dated 09.11.2016 in W.P.(MD).No.19185 of 2016.

For appellants : Mr.A.K.Manikkam  
Special Government Pleader

For Respondent : M/s.Salini Priyanga for  
Mr.P.Andiraj

### **J U D G M E N T**

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN,J.**)

The State has filed this writ appeal against the order of the learned single Judge passed in W.P.(MD).No.19185 of 2016, dated 09.11.2016, wherein the writ petitioner has sought for a direction to the respondents 2 and 4 to regularise the service of the petitioner from the date of his initial appointment, as per G.O. (Ms.)No.996 Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984 and to give notional promotion to the petitioner and to pay the monetary benefits retrospectively.



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2. According to the respondent/writ petitioner, he was appointed as Field Surveyor in the office of the Inspector of Survey, UDR Scheme, Unit II, Dindigul. From 1984 to 1996, he served in the respondent Department under consolidated pay. Thereafter, the fourth respondent by proceedings dated 12.06.1996, considering the seniority of the petitioner, appointed him as a Field Surveyor with the time scale of pay under Rule 10 (a) (1) of the General Rules for the Tamil Nadu State and Subordinate Service Rules and posted to work in the office of the Assistant Director of Survey and Land Records. Later on, he was promoted as a Land Record Draftsman in the year 2012 and promoted as a Senior Draftsman in the year 2013 and retired from service in the year 2015. The petitioner's service ought to have been regularised from the date of his initial appointment. But his service was regularised only from the year 1996. Despite the availability of G.O. (Ms.)No.996 Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984, the respondents acted in violation of the Government Order and regularised the service of the petitioner from 1996 only. Hence, he filed the writ petition seeking regularisation of service from the date of his initial appointment, as per G.O.(Ms.)No.996, dated 22.09.1984. The learned single



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Judge of this Court ordered the writ petition, directing the respondents to regularise the service of the petitioner from the date of his initial appointment as per G.O.(Ms.)No.996, dated 22.09.1984 and to give notional promotion to the petitioner and to pay the consequential monetary benefits. Challenging the same, this writ appeal has been filed by the State Government.

3. The learned Special Government Pleader appearing for the appellants would submit that the G.O.(Ms.)No.996 Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984, is issued to regularise the service of the persons, who were recruited through employment exchange under General Rule 10 (a) (i) (1) in time scale of pay posts of Junior Assistants, Typists and Steno Typists with effect from 25.06.1984 and not for the persons, who were appointed on consolidated pay posts. He would further submit that the respondent/writ petitioner was appointed as Surveyor cum Draftsman on 04.09.1984, on consolidated pay and was absorbed in the time scale of pay to the post of Draftsman on 13.06.1996 and his service in the category of Draftsman was regularised from 13.06.1996. The respondent/writ petitioner has rendered his entire service in the category (Technical wing) under the Tamil Nadu



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Survey and Land Records Subordinate Service and not in the Tamil Nadu Ministerial Service. Hence, the said G.O., is not applicable to the respondent/writ petitioner.

4. Heard the learned Special Government Pleader appearing for the appellants and the learned counsel appearing for the respondent and perused the materials available on record.

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



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(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.

**[V.B.S.,J.] & [K.K.R.K.,J.]**  
**05.03.2024**

akv

To

- 1.The Secretary to Government,  
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Chennai -9.
- 2.The Commissioner/Director of Survey  
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**and**  
**K.K.RAMAKRISHNAN, J.**

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