



W.P.No. 2159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 17.02.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.2159 of 2024 and
W.M.P. No.2328 of 2024 and 12993 of 2024

N. Sudhakar

... Petitioner

vs

The Additional Director of Survey and
Settlement (Survey), Survey House,
Chepauk 600 005.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus or any other writ, order or direction in the form of the writ to call for the records connected with the proceedings issued in RC.Y1/30627/2023 (SY) dated 02.01.2024 passed by the respondent herein and quash the same and consequently direct the respondent to reinstate the petitioner into service.

For Petitioner : Mr. S. Ilamvaludhi

For Respondent : Mr. S. Yashwanth
Additional Government Pleader.



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ORDER

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This Writ Petition has been filed in the nature of a certiorarified Mandamus seeking the records connected with the proceedings issued in R.C. Y1/30627/2023 (Sy) dated 02.01.2024 passed by the respondent, the Additional Director of Survey and Settlement (Survey) at Chennai and to quash the same and direct the said respondent to reinstate the petitioner into service.

2. In the affidavit filed in support of this Writ Petition, it had been contended that the petitioner had been appointed as a field surveyor on 17.06.2011 on compassionate grounds. It had been stated that in 2018, by proceedings of the Director of Survey and Land Records, the order directing the petitioner to be transferred to Nagapattinam was kept in abeyance. Thereafter, a memo was issued under Rule 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1953, by the Assistant Director of Survey and Land Records, Ariyalur, and an enquiry was conducted. It is contended that the petitioner had been transferred more than five times within Ariyalur District within a short period of three years. It has also been stated that the petitioner had complained



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about the conduct of the Assistant Director of Survey and Land records at Ariyalur. Thereafter, proceedings had been issued wherein the period during which the petitioner did not attend the office, namely, from 25.02.2020 till 02.06.2020 was trifurcated into three parts and two parts were directed to be treated as Earned Leave and one part alone was directed to be treated as on duty. Thus there was a continuous grudge between the petitioner and the Assistant Director of Survey and Land records, Ariyalur.

3. The petitioner had preferred an appeal with respect to the period which was treated as that of Earned Leave, before the Secretary to Government, Revenue Department. This appeal had also been forwarded to the Directorate of Survey and Land Records, Chepauk, Chennai, for further action. In this connection, the petitioner received a communication on 06.10.2023 calling upon him to appear for an enquiry. The petitioner had submitted a representation complaining about non taking of action against the Assistant Director of Survey and Land Records, Ariyalur. Yet another letter was received calling upon the petitioner to appear for an enquiry on 20.11.2023. Again the petitioner had given a representation. Contending that the petitioner had not



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attended the enquiry, the impugned order had been passed placing the petitioner on suspension.

4. This Court had earlier directed stay of the order of suspension. The respondent have also filed an application seeking to vacate the order of interim stay. Counter affidavit has also been filed. Even in the counter affidavit, it had been alleged that the petitioner had raised complaints against the officials of the respondent which led to disruption of work and therefore, it had been contended that the petitioner was placed under suspension. It was also stated that the petitioner had sent several representations in this regard complaining about the conduct of the Assistant Director of Survey and Lands at Ariyalur. However, it had also been stated that the order of suspension had been revoked by an order dated 26.02.2024 in proceedings in RC.No.Y1/30627/2022.

5. Heard Mr. S. Ilamvaludhi, learned counsel for the petitioner and Mr. S. Yashwanth, learned Additional Government Pleader for the respondent.



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6. A perusal of the records shows that though the petitioner had been placed under suspension for purportedly not attending the enquiry though directed to do so, consequent to the interim order passed by this Court, the order of suspension has been revoked. The relief sought for in the Writ Petition has now been granted to the writ petitioner. However, a perusal of the affidavit filed and the counter affidavit, shows that there is a continuous grudge and hostility between the petitioner and the Assistant Director of Survey and Land at Ariyalur. It is only appropriate that the petitioner realises that he had obtained employment on compassionate grounds and that a member of his family was in actual employment and therefore, the petitioner should maintain decorum and discipline within the office. If he has any grievances, he may address the same but it should also be tempered with language which is not offensive in nature. At the same time, the respondent also has a duty to ensure that superior officers also maintain decorum and discipline and do not act in a manner wherein the staff who are working under them raise complaints against their conduct. This requires discipline from all members working in this Department at Ariyalur District.



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WEB COPY 7. The respondent may, therefore, ensure that decorum and discipline is maintained. If the respondent is of the view that any enquiry is to be conducted, they may do so but follow proper procedure by issuing a showcause notice giving time for explanation, examining the representation and thereafter proceed further if it warrants conducting an enquiry. If the explanation is satisfactory, further proceedings may be dropped. It is the duty of the respondent herein, taking into consideration that he is the over all incharge of the Survey and Settlement Department in the State of Tamil Nadu, to ensure that any grievance raised against other staff by one staff is settled amicably. The respondent may take necessary steps in this regard. The order of suspension which had been revoked need not be once again revisited without due process.

8. No order need be passed in the vacate stay petition filed by the respondent in W.M.P. No.12993 of 2024 and the same is closed since the respondent have themselves revoked the order of suspension as is mentioned in the counter affidavit.



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WEB COPY 9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17.02.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga

To

The Additional Director of Survey and
Settlement (Survey), Survey House,
Chepauk 600 005.



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C.V. KARTHIKEYAN, J.

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