



WP No. 19311 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2025

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THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WP No. 19311 of 2017 and

WMP No. 37992 of 2017

K.Kumar, S/o.Kalyanasundaram,
Formerly Field Surveyor,
O/o.Inspector of Survey (Mobile Wing),
Kancheepuram.

Petitioner(s)

Vs

1. The Secretary to Government
Revenue (NA4(1)) Department,
Fort St. George, Chennai 9

2.The Director of Survey and Land
Records, Chepauk, Chennai 5

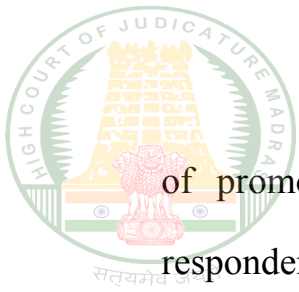
3.The Asst. Director of Survey and
Land Records, Kancheepuram District,
Kancheepuram.

4.The Secretary to Government
P & AR Department,
Fort St. George, Chennai 9

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in connection with the impugned order passed by him GO (D) No.22 Revenue [NA4(1)] Dept. dt.24.01.2017 and quash the same in so far as the fixing the date



of promotion of the petitioner as Field Surveyor and further direct the respondents to promote him as Firka Surveyor and as Sub-Inspector of Survey notionally by taking into consideration his entire service on record and grant him all consequential service and monetary benefits within a reasonable time.

For Petitioner(s): Mr.K.Venkatramani,
Senior Counsel
for Mr M.Muthappan

For Respondent(s): Mr.V.Veluchamy,
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the 1st respondent in connection with the impugned order passed by him in GO (D) No.22 Revenue [NA4(1)] Dept. dt.24.01.2017 and quash the same in so far as the fixing the date of promotion of the petitioner as Field Surveyor and further direct the respondents to promote him as Firka Surveyor and as Sub-Inspector of Survey notionally by taking into consideration his entire service on record and grant him all consequential service and monetary benefits within a reasonable time.

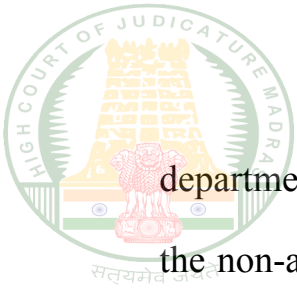
2.The petitioner was initially appointed on consolidated pay as Night Watchman in Kancheepuram District and he was absorbed in time scale of pay post. In order to fill up the vacancies in the time scale of pay posts in basic level categories, the Government has issued orders in G.O.(Ms) No.910, Commercial Taxes and Religious Endowments Department, dated 10.08.1983,



for absorbing Surveyors/Draftsman, Junior Assistant, Typists on consolidated pay in the respective time scale of pay posts temporarily in Survey and Land Records Department. Subsequently, G.O.(Ms).No.761, Commercial Taxes and Religious Endowments Department, dated 28.08.1985 was ordered whereby they have been appointed in regular vacancies on the time scale of pay in Survey and Land Records Department.

3.The Petitioner has filed this Writ Petition as he has passed SSLC and have long service in Survey and Land Records department and hence he is eligible for promotion on qualifying requisite examination, due to non availability of post, he was not promoted. Age relaxation was requested by the petitioner. However, that was ordered only seven days before his retirement. Hence he filed this Writ Petition seeking to quash the impugned order, in so far as fixing the date of promotion of the petitioner as Field Surveyor and for further direction to the respondents to promote him as Firka Surveyor and as Sub-Inspector of Survey notionally.

4.The respondents filed a counter affidavit. In the counter affidavit, the State Government stated that as per G.O. (1D) No. 22, Revenue (SS4(1)) Department, dated 24.01.2017, certain employees working under consolidated pay in the Department of Survey and Land Records, who were on the verge of being affected by the winding up under the UDR scheme, were absorbed into permanent vacancies. The petitioner, who had passed the 10th standard and rendered long service in the department, had also successfully passed the



departmental test for promotion to the post of Field Surveyor. However, due to the non-availability of vacancy, the petitioner, who was then serving as a Field Assistant in the office of the Assistant Director of Survey and Land Records, Kancheepuram, was ordered to be appointed as Field Surveyor from the date of the issuance of the G.O. This appointment was made by relaxing Rule 7, Category 4(i) (relating to age relaxation) under Section 31 of the Tamil Nadu Survey and Land Records Subordinate Service Rules in the Tamil Nadu Services Manual. It appears that the petitioner attained superannuation on 31.01.2017.

5.Though the petitioner has made representation for relaxation of age, recommendations are being made by the second respondent and also accepted. However, it was done just seven days before the date of retirement, whereby his consequential promotion are being affected and hence the Writ Petition.

6.The service matrix as admitted by the Government in the counter affidavit at paragraph No.13 as well as paragraph No.12, clearly established the case of the petitioner. Now the petitioner has filed additional affidavit dated 29.03.2025 stating that he is not interested in the main relief as sought for, however, restricted the relief only to the limited extent of giving notional promotion for the purpose of revision of pensionary benefit to the petitioner as Field Surveyor as well as Sub Inspector of Survey without monetary benefits and monetary benefit being given effect to from the pensionary benefit alone.



7. Taking note of the affidavit filed by the petitioner and the service matrix of the petitioner and the order passed by the Government in relaxing the age by keeping the application for more than five years and passing orders just seven days before the retirement. I find, it is appropriate to grant notional promotion to the petitioner. This notional promotion shall be for the purpose of revising pensionary benefits, for having held the posts of Field Surveyor and Sub-Inspector of Survey. However, no monetary benefits shall be granted for the notional promotion period, and monetary benefits shall be given effect by granting him revised pensionary benefits.

8. Accordingly, this Writ Petition is partly allowed to the limited extent indicated as above. The Respondents are directed to pass orders within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

04-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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RMT.TEEKAA RAMAN J.

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