



W.P.(MD).No.10672 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10672 of 2025

and

W.M.P.(MD)No.7935 of 2025

A.Sankaralingam

... Petitioner

-vs-

The Assistant Director of Survey and Land Records,
Collector Office Complex,
Trichy,
Trichy District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.A3/2392/2016 dated 21.11.2016 issued by the respondent and a further impugned order in Na.Ka.A3/2392/2017 dated 04.09.2017 issued by the respondent and quash the same as illegal and consequently direct the respondent to treat the period of suspension from 10.05.2005 to 06.06.2010 as period spent on duty in accordance with the Rule 54 B (9)(a) of the Fundamental Rules and to disburse the attendant benefits, within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For Respondent : Mr.K.Balasubramani

Special Government Pleader



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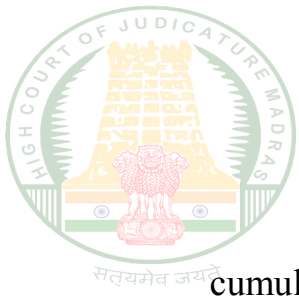
ORDER

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This writ petition has been filed challenging the impugned order passed by the respondent in Na.Ka.A3/2392/2016 dated 21.11.2016 and also in Na.Ka.A3/2392/2017 dated 04.09.2017 with a consequential direction to the respondent to treat the period of suspension from 10.05.2005 to 06.06.2010 as 'period spent on duty' in accordance with Rule 54 B (9)(a) of the Fundamental Rules and to disburse the attendant benefits, within the period that may be stipulated by this Court.

2. Heard the learned counsel on either side.

3. The petitioner was initially recruited and appointed as 'Surveyor' on consolidated pay on 01.12.1982 and his service was regularized in the year 1984. He was promoted to the post of 'Deputy Surveyor' in the year 2003. Thereafter, the petitioner was placed under suspension for involving in a case of Vigilance and Anti Corruption. The criminal case registered against the petitioner also ended in acquittal. Pursuant to the same, the petitioner was reinstated into service. After enquiry, the petitioner was imposed with the punishment of stoppage of increment for a period of six months without



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cumulative effect holding that two charges were held proved out of four charges vide the impugned order dated 21.11.2016. The respondent, after retirement of the petitioner on 31.05.2017, regularized the period of suspension from 10.05.2005 to 04.01.2006 as earned leave of 240 days and 05.01.2006 to 04.04.2006 as unearned leave of 90 days (on private affairs) and from 05.04.2006 to 06.06.2010 as non duty period of 1524 days vide the impugned order dated 04.09.2017. Challenging the said orders, this writ petition came to be filed.

4. The learned Special Government Pleader appearing for the respondents submits that the petitioner, aggrieved by the impugned order, has an appeal remedy before the Deputy Director of Land Survey and Records. Without approaching the said authority, the petitioner has straightaway approached this Court under Article 226 of the Constitution of India.

5. This Court, after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer an appeal before the Deputy Director of Land Survey and Records, if aggrieved by the impugned order.



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6. For the foregoing reasons, the petitioner is at liberty to prefer an appeal as against the impugned order before the Deputy Director of Land Survey and Records, Trichy, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the Deputy Director of Land Survey and Records, Trichy, shall dispose of the appeal, within a period of two months thereafter.

7. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the authority to consider the same on its own merits. It is further stated that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of presentation of this writ petition till the date on which the certified copy of this order is made ready by the Registry, shall be excluded.

8. With the aforesaid directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
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TO:-

1. The Assistant Director of Survey and Land Records,
Collector Office Complex,
Trichy,
Trichy District.
2. The Deputy Director of Land Survey and Records, Trichy.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.10672 of 2025

Dated:
08.07.2025