



WP(MD)No.11745 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WP(MD)No.11745 of 2019

N.Mathaiyan

.. Petitioner

Vs.

1.The Assistant Director of Survey and Land Records,
Collectorate Office,
Tirunelveli – 9.

2.The Special Thasildar,
River Linking Project Unit-3,
Tirunelveli.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus in the nature of writ directing the respondents to revise the petitioner's scale of pay in accordance with G.O(Ms).No.303 Finance (pay cell) Department dated 11.10.2017 and pay all consequential monetary benefit thereon within stipulated time to be framed.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader



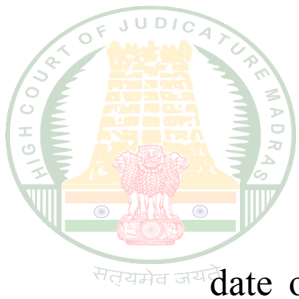
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ORDER

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The writ petition has been filed directing the respondents to revise scale of pay in accordance with 303 Finance (pay cell) department dated 11.10.2017 and pay all consequential monetary benefits.

2. The case of the writ petitioner is that he joined as field assistant in Survey and Land records in Dharamapuri District in the year 2007, he was promoted to the post of Surveyor and in the year 2011 he was promoted to the post of Sub-Inspector, Surveyor. While so, on 07.05.2015, he was placed under suspension. Hence he preferred a W.P.No.35496 of 2016 before the Principal Seat of Madras and the same was allowed on 25.01.2016. Challenging the same, the department had filed an appeal in W.A.No.883 of 2017. The Hon'ble Division Bench was pleased to dispose of the same and conclude the criminal case within a period of three months. Subsequently, the suspension was revoked on 30.05.2018 and he was transferred to Tirunelveli on next day 04.05.2018, he joined duty as a Special Tahsildar Land Acquisition River Linking Project, again on 18.01.2019, he was transferred namely to Special Tahsildar Office and his retirement was due on 31.5.2019, the government employee had two to three months of retirement, from the



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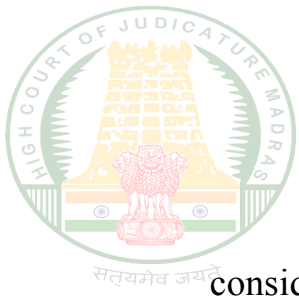
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date of coming into force of this Rules framed by the government in GO(Ms).No.303 Finance (pay cell) Department dated 11.10.2017, in terms of the said Rule, he exercised his option for revision of scale of pay through letter dated 06.09.2018 addressed to Special Tahsildar River Linking Project Unit - 3 and the same was forwarded to the first respondent but till date, the respondents have not revised in terms of the aforesaid GO. Hence, this writ petition.

3. The learned counsel appearing for the petitioner would submit that the writ petitioner submitted a representation dated 06.09.2018 before the second respondent and the same has been forwarded to the first respondent, till date the respondents have not revised his scale of pay in terms of 303 Finance (pay cell) department dated 11.10.2017. He would submit that the writ petitioner was permitted to retire on service on 31.05.2019.

4. The learned Additional Government leader for the respondent would submit that the representation dated 08.09.2018 submitted by the writ petitioner is still pending for consideration with the second respondent.

4(i). The relief sought for in this writ petition is limited only to



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consider the representation. The learned Additional Government Pleader has no serious objection to consider the same. Without going into merit of the case, this Court is inclined to issue a direction to the second respondent to consider the representation dated 06.09.2018 submitted by the petitioner on merits, in accordance with law if there is no legal impediment within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above observations and directions this writ petition stands disposed of. There shall be no order as to costs.

20.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To

1.The Assistant Director of Survey and Land Records,
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Tirunelveli – 9.

2.The Special Thasildar,
River Linking Project Unit-3,
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M.JOTHIRAMAN, J.

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