



W.P.No.24450 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.24450 of 2018

J.Agnes Amalavathy
Superintendent
Office of the Joint Director
of Survey and Land Records
Chennai 600 005.

...Petitioner

Vs.

1.Government of Tamil Nadu
Represented by Secretary to Government
Revenue Department
Secretariat,
Chennai 600 009.

2.The Director/Commissioner of
Survey and Settlement
Chepauk, Chennai 600 005.

3.The Additional Director of Survey
and Land Records
Chepauk, Chennai 600 005.

4.R.Mohan Kumar
Superintendent
Director of Survey and Settlement
Chennai 600 005.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent herein in G.O.(1D) No.317, Revenue (L.S.-4(1) Department dated 06.09.2013 and the proceedings of the 2nd respondent pertaining to Order Na.Ka.NGA-1 / 17683/2012 (L.S) dated 24.07.2012 and quash the same and to place the Petitioner over and above on par with her immediate junior in the lines of Na.Ka.R2/4074/2007-1 (L.S.) dated 29.09.2011 issued by the 2nd respondent herein and the proceedings of the 2nd respondent in Na.Ka.R2/4074/2007 (L.S.) dated 13.10.2011 and to include the name of the petitioner in the appropriate place, over and above her immediate junior in the cadre of Assistant as well as Superintendent and to accordingly refix the pay of the petitioner on par with her immediate junior and to grant all consequential service and monetary benefits, including revision of retirement and pensionary benefits. **(PRAYER AMENDED AS PER ORDER DATED 21.02.2025 In WMP.6699/2025 in WP.24450/2018)**

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.Ganesan for R1 to R3
Government Advocate
R4-Served-No appearance

ORDER

The petitioner challenges the order dated 06.09.2013 passed by the first respondent in G.O.(1D) No.317, Revenue (L.S.-4(1)) Department. By the said



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order, the petitioner's representation seeking inclusion of her name in the panel for promotion to the post of Assistant for the year 1988 and for regularisation of her services in the said category with effect from 15.09.1988 came to be rejected.

2. The petitioner was appointed on compassionate grounds as a Junior Assistant on 01.02.1985, and her services in the said post were regularised on 11.11.1986. As the petitioner had not completed the Survey Training and completed the same only on 21.04.1988, her name was included in the panel for promotion to the post of Assistant only in the year 1989. The petitioner retired from service on 30.11.2019 while serving as Superintendent.

3. The first respondent, following the order passed by this Court in W.P.No.32221 of 2006, included the names of three individuals, including one Mr. K.M.Mohankumar, in the panel for promotion to the post of Assistant for the year 1988. Claiming parity, the petitioner submitted a representation stating that Mr. K.M.Mohankumar, who was admittedly junior to her and similarly situated, had been granted the benefit of inclusion in the panel for the year 1988. However, the said representation came to be rejected by the impugned order, necessitating the filing of the present writ petition.



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4. Mr.M.Ravi, learned counsel for the petitioner, submitted that Mr.K.M.

Mohankumar, though junior to the petitioner, had also not completed the Survey Training as on the crucial date. Despite the same, his name was included in the panel for the year 1988. Therefore, denial of a similar benefit to the petitioner is arbitrary, discriminatory, and violative of Articles 14 & 16 of the Constitution of India.

5. Per contra, Mr.P.Ganesan, learned State Counsel appearing for the respondents, submitted that the petitioner had not completed the requisite Survey Training as on the crucial date, namely 15.03.1988, and therefore her name was rightly not included in the panel for the year 1988. He further submitted that only after completion of the Survey Training was her name included in the panel for the year 1989. It was also contended that the petitioner's claim is hit by delay and laches, as the representation seeking inclusion in the panel for the year 1988 was made only in the year 2012, and hence cannot be entertained under Article 226 of the Constitution of India.

6. This Court has carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



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7. It is not in dispute that the petitioner is senior to Mr. K.M.Mohankumar and that both had not completed the Survey Training as on the crucial date, i.e., 15.03.1988. Consequently, their names were not initially included in the panel for the year 1988 for promotion to the post of Assistant. Subsequently, Mr.K.M.Mohankumar and two others approached this Court in W.P.No.32221 of 2006. This Court, by order dated 22.01.2007, allowed the said writ petition, holding that though the petitioners therein had not completed the Survey Training as on the crucial date, the Government had relaxed the relevant rules in respect of 15 similarly placed individuals. Therefore, denial of similar benefit to the petitioners therein was held to be discriminatory.

8. Pursuant to the said order, the Government, by proceedings dated 13.10.2011, extended the benefit of inclusion in the panel for the year 1988 to Mr.K.M.Mohankumar and two others. Immediately thereafter, the petitioner submitted a representation on 23.05.2012 seeking similar relief.

9. The petitioner's representation dated 23.05.2012 was rejected by the second respondent on 24.07.2012. Thereafter, the petitioner preferred a further



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representation to the first respondent, which was rejected by the impugned order dated 06.09.2013. A subsequent request for review also did not elicit any response, leading to the filing of the present writ petition.

10. The sequence of events clearly establishes that the petitioner approached the respondents immediately after coming to know that benefits had been extended to her junior, Mr.K.M.Mohankumar. Therefore, it cannot be said that the petitioner had slept over her rights.

11. Moreover, the impugned order does not reject the petitioner's claim on the ground of delay and laches but solely on the ground that Mr.K.M.Mohankumar had obtained relief pursuant to a court order.

12. This Court, in W.P.No.32221 of 2006, had observed that although technically the petitioners therein were not fully qualified as on the crucial date, their claim could not be rejected in view of the relaxation granted by the Government to 15 similarly placed individuals by order dated 07.01.1993. Denial of similar benefit was held to be discriminatory. In the present case, the petitioner had completed the Survey Training on 21.04.1988 and is identically placed, if not better placed, than her junior who was extended the benefit.



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13. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the petitioner is entitled to parity of treatment. However, such benefit shall be extended only notionally, without payment of any arrears of salary.

14. Accordingly, the writ petition is allowed. The impugned order passed in G.O.(1D) No.317, Revenue (L.S.-4(1)) Department, dated 06.09.2013, is set aside. The respondents are directed to include the name of the petitioner in the panel for promotion to the post of Assistant for the year 1988, promote her notionally on par with her junior, Mr.K.M.Mohankumar, and revise the pension and pensionary benefits accordingly. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that the petitioner shall not be entitled to any arrears of salary. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
dna



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HEMANT CHANDANGOUDAR.J.,

dna

To

1.The Secretary to Government
Revenue Department
Secretariat,
Chennai 600 009.

2.The Director/Commissioner of
Survey and Settlement
Chepauk, Chennai 600 005.

3.The Additional Director of Survey
and Land Records
Chepauk, Chennai 600 005.

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