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WP No. 27161 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 27161 of 2024

and

W.M.P.Nos.29673 and 29675 of 2024

R.Jeyachandran
S/o.Raman,
2/4G, Thiruvalluvar 2nd Street, Sasi Nagar,
Killapanagadi, Madurai- 625 017.

..Petitioner(s)

Vs

1. Government Of Tamil Nadu
Rep By Its Secretary,
Revenue And Disaster Management
Department,
Fort St. George, Chennai- 009.
2. The Director
Commissionerate Of Survey And
Settlement, Survey House,
Chepauk, Chennai-005.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to order bearing No.Na.Ka. Gna.2/ 2945/ 2023 dated 09.05.2023 issued by the 2nd respondent read with order bearing G.O. (2D) No.125 Revenue and Disaster Management Department, Survey and Settlement Wing (L.S3 (1)) Section dated 22.05.2024 issued by the 1st



respondent , quash the same and consequently direct the respondents to include the name of the petitioner in the promotion panel for the year 2023- 2024 in the post of Deputy Director issued by the 1st respondent and promote him as Deputy Director from the date the Juniors were promoted as such with all other attendant benefits such as seniority , arrears of Salary etc.

For Petitioner(s): Ms.Dhakshyani Reddy, Senior Counsel
for
M/s.V.Anandhamoorthy.

For Respondent(s): Mr.P.Balathandayutham
Special Government Pleader

Order

The above writ petition had been filed for the following relief:

“To issue a Writ of Certiorarified Mandamus calling for the records pertaining to order bearing No.Na.Ka. Gna.2/ 2945/ 2023 dated 09.05.2023 issued by the 2nd respondent read with order bearing G.O. (2D) No.125 Revenue and Disaster Management Department, Survey and Settlement Wing (L.S3 (1)) Section dated 22.05.2024 issued by the 1st respondent , quash the same and consequently direct the respondents to include the name of the petitioner in the promotion panel for the year 2023- 2024 in the post of Deputy Director issued by the 1st respondent and promote him as Deputy Director from the date the Juniors were



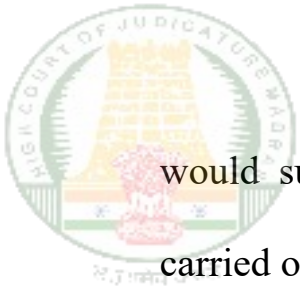
promoted as such with all other attendant benefits such as seniority , arrears of Salary etc.”.

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2. The facts which have given rise to the above writ petition are herein below set out.

(i) The petitioner had joined the services of the 1st respondent in the year 1989 and was promoted as Assistant Director of Survey and Land Records on 06.03.2019 in which post he has been working till the filing of the writ petition.

(ii) The petitioner would submit that the duties and responsibilities attached to the post of Assistant Director of Survey and Land Records have been clearly set out in the Tamil Nadu Survey Manual of Departmental Rules – Volume II. Chapter XVIII deals with the duties of officers. The Assistant Director of Survey and Land Records of each District unit is in charge of regular survey, including mobile and ad-hoc items of work, and maintenance of land records. He performs his duties and responsibilities in his capacity as Personal Assistant to the Collector in all items of survey works and maintenance of land records. These are in addition to the statutory functions which he is required to exercise in his capacity as Assistant Director of Survey and Land Records. The petitioner



would submit that the following are the regular survey items of work carried out under his direct control.

- 1) To see that the provisions of Tamil Nadu Survey and Boundaries Act, 1923 are complied with strictly,*
- 2) To regulate the out-turn of each process of work,*
- 3) To test field and office work to satisfy himself that no incorrect record bears his signature,*
- 4) To check the expenditure of stores and stationery and to see that instruments are kept carefully and in working order,*
- 5) To see that all returns prescribed are submitted on the dates prescribed and that the figures furnished in the returns are correct,*
- 6) To see that all records ripe for destruction are destroyed annually and that no unnecessary records are allowed to accumulate.*

The Assistant Director of Survey and Land Records is also required to supervise the disposal of online patta transfer (OPT).

(iii) It is the case of the petitioner that he was served with the show cause notice dated 11.02.2023 seeking an explanation as to why action should not be taken against him on the basis of the inspection conducted by the 2nd respondent in December 2022. A Charge Memo dated



09.05.2023 was issued by the 2nd Respondent under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules for the following charges.

“The disposal rate of online patta transfer applications is very low in the District while the rejection rate of such applications is higher than the prescribed standard. The individual disposal rates of online patta transfer applications is also very low. In the month of November, new applications were processed while the old applications were kept pending. You have failed to discharge your duties as an Assistant Director in the office of District Land Survey Records in a sincere manner.”

(iv) On receipt of the above Charge Memo, the petitioner had submitted a detailed explanation stating that he had been conducting periodical inspections and meetings of the staff working on online patta transfer applications in all five Taluks and also giving them first-hand training on the Rules prescribed by the 2nd respondent and the manner in which the applications are to be disposed of. On the basis of the 2nd



respondent's instructions, 70% of the pending applications were disposed of and 30% of the applications disposed of were from the current month.

Out of 6754 applications pending for more than six months and since most of them were baseless, they had to be rejected. Since their rejection enmasse would be contrary to the prescribed 20% rejection rule, they were not rejected at once. That apart, the work was progressed in taluks in the current month to distribute the works to ensure that the petitioner's other work was performed smoothly.

(v) In the explanation, the petitioner had also stated that apart from disposing of the pending OPT applications from March 2019, he had successfully completed the following:-

- (a) Obtaining the left-out survey maps from the Head Office
- (b) Digitising services in 4 out of 5 cities.
- (c) All the pending 8A files were brought under BHUNASKAR.
- (d) Conducting periodical special training to the Village Administrative Officers and Revenue Officials to survey the land.
- (e) Surveying the water bodies and making relevant entries in the land records.



(vi) Pursuant to the show cause notice and the explanation, the petitioner was issued with the charge memo dated 09.05.2023 by the 2nd respondent under Section 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charges were reiterated as follows:

(a) The disposal rate of online patta transfer applications is very low in the District while the rejection rate of such applications is higher than the prescribed standard. The individual disposal rates of online patta transfer applications is also very low. In the month of November, new applications were processed while the old applications were kept pending.

(b) The Assistant Director has failed to discharge his duties in a sincere manner in the District Land Survey Records.

(vii) Once again, an explanation was submitted by the petitioner on 24.02.2023 and the 2nd respondent, by his proceedings dated 09.05.2023, had imposed a penalty of one increment cut without cumulative effect.



The 2nd respondent had imposed the said penalty on the findings that despite instructions and guidelines steps had not been taken by the petitioner to increase the disposal rates of OPT applications and the pendency of the OPT applications had increased in the last 1 ½ years. The petitioner had thereafter preferred a departmental appeal to the 1st respondent on 16.06.2023 giving a detailed explanation.

(viii) In the meanwhile, a promotion panel in the year 2021-2022, 2022-2023 and 2023 to 2024 to the post of Deputy Director vide G.O.2(D) No.245 dated 01.08.2023 was issued. The petitioner's name was not included despite his being the senior-most on the ground that the penalty had been imposed against him. By an order dated 22.05.2024, the petitioner's appeal was also rejected and the order imposing the penalty of one increment cut without cumulative effect was confirmed. Thus aggrieved, the petitioner has filed the present writ petition and that apart, he is due to retire on 31.05.2026.

3. The respondents have filed a counter affidavit in which the respondents would submit that the performance in the disposal of online patta transfer applications was being reviewed every month by the



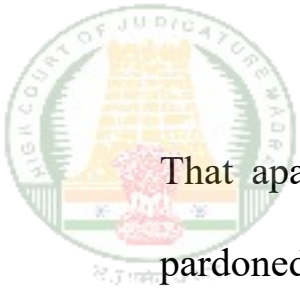
Director of Survey and Settlement and regular progress was being updated to the Government and directly uploaded to the Chief Minister's Dash Board. Since the on-line patta transfer applications were being directly monitored at the Government level, special attention was being given to district wise performance. The respondents would submit that during the review conducted in the month of November 2022 it was found that the disposal of online patta transfer applications was very poor in Theni District and the rate of rejection was also high. That apart, the individual performance of the field staff was also low. Therefore, an explanation was called for under Section 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Since the explanation was not satisfactory, the petitioner had been imposed with the punishment. The respondents would further submit that the petitioner's name was not included in the panel for the post of Deputy Director of Survey and Land Records for the year 2023-2024 on account of the currency of punishment. The petitioner had been imposed with the punishment for lack of monitoring, lethargic attitude and lacunae in disposing of the online patta transfer applications. The petitioner has given details of the work done by him from the year of his inception as an Assistant Director of Survey and Land Records from the year 2019. The respondents would submit that the pendency of the



charge memo under the Rule 17(a) will not be held against a Government servant for inclusion in the panel for promotion. However, when punishment has been awarded under Rule 17(a) and the Government Servant is undergoing the currency of such punishment on the crucial date for the panel or on the date of release of the panel, the same would be held against him. Therefore, the respondents would justify the petitioner's non-inclusion in the notional panel and seeks dismissal of the writ petition.

4. Heard the learned counsels on both side and perused the materials available on record.

5. The charge that has been imposed on the petitioner is that upto November 2022, a total number of 14978 patta applications were pending and in November 2022, 2978 applications had been filed and as against the prescribed disposal of 70%, the petitioner had achieved only 29% and the rejection was about 41%. The petitioner had given a detailed explanation for each charge. It has also been stated that the pendency covered the period of the Covid-19 pandemic as well. His explanation has been rejected only on the ground that he has not taken steps to reduce the pending applications and has also rejected a higher number of applications.



That apart, he had also admitted his mistake and requested that he be pardoned. Therefore, the 2nd respondent has come to the conclusion that the petitioner is guilty of the charges and has proceeded to impose a penalty on him with the stoppage of one increment with cumulative effect.

6. The petitioner has given a detailed explanation of the work done by him from the time he has taken charge, giving details of the number of persons deployed for the work and the number of applications that had been approved and the number of applications that have been disposed of. A perusal of this note would clearly indicate that the petitioner has been showing a good percentage of disposal of the OPT applications. With reference to the rejection, the petitioner has given his explanation as to why the applications had to be rejected. None of this explanation has been taken into consideration either by the 2nd respondent or by the appellate authority namely the 1st respondent. The 1st respondent has based its decision primarily on the opinion sought for from the TNPSC under Rule 18(1)(a) of the Tamil Nadu Public Service Commission (TNPSC) Regulations, 1954. A useful reference can be made to the judgment of this Court in W.P.No.11481 of 2011 where this Court relying upon the earlier judgment of this Court had observed as follows in Paragraph No.10.



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“10. From these judgements, it is made clear that, when Government decided to obtain the views of the TNPSC, it is necessary that, copy of the views must be supplied in advance to the delinquent concerned to give an opportunity to differ the views. It is not in dispute that, such an opportunity was not given to the petitioner. Therefore, in the light of the legal proposition settled in Union of India, Ministry of Defence and another Vs. The Registrar, Central Administrative Tribunal, Chennai and another reported in (2005) 2 MLJ 154, this Court finds that imposition of punishment to the petitioner without serving the copy of the views of TNPSC is not appropriate and in accordance with law. Therefore, punishment imposed against the petitioner of reduction in rank with cumulative effect is set aside”

7. In the instant case, the petitioner has not been served with the copy of the said views. That apart, a perusal of the abstract of the district-wise disposal, approval and rejection of the OPTs would clearly show that there is no rationale behind the decision taken by the respondents. In District's like Madurai, Villupuram, Kallakurichi etc., the number of OPT applications is far less than that of the petitioner and the rate of rejection is higher. However, no action has been taken against them. The following



tabulated statement would show the statistics in the districts of Villupuram, Kallakurichi, Madurai and Krishnagiri as also the petitioner's District of Theni.

OPT – ISD Rural, Urban Report.

01.05.2022 to 30.11.2022

Rejected %Descending.

Sl. No	District	Opening Balance	Received	Total	Approved	App.% (out of disposal)	Rejected	Rej.% (out of disposal)	Disposal	Pending	Pend. % (out of total)
1.	Villupuram	30520	69609	100129	38691	55%	31295	45%	69986	30143	30%
2.	Kallakurichi	33499	51233	84732	37834	57%	28319	43%	66153	18579	22%
3.	Madurai	46382	101553	147935	62520	60%	40988	40%	103508	44427	30%
4.	Krishnagiri	48953	88064	137017	56784	61%	36574	39%	93358	43659	32%
5.	Theni	16938	31370	48308	18610	61%	11713	39%	30323	17985	37%

Even according to the respondents, action has been initiated only against the petitioner and four other districts. Further, the respondents 1 and 2 have not referred to the explanation given by the petitioner and have not accepted the said explanation. The 2nd respondent has merely quoted the statement of the petitioner that in future he shall ensure compliance to hold that there is an acceptance of the charges.

8. In view of the above discussions, the impugned orders cannot be sustained and accordingly, the same are quashed. The writ petition is allowed as prayed for. The respondents are directed to include the name of the petitioner in the promotion panel for the year 2023- 2024 to the post



of Deputy Director and to promote him as Deputy Director from the date on which his juniors were promoted with all other attendant benefits including seniority and arrears of salary within a period of 3 weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

09-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

1. The Secretary,
Government Of Tamil Nadu
Revenue And Disaster Management Department,
Fort St. George, Chennai- 009.
2. The Director
Commissionerate Of Survey And Settlement,
Survey House,
Chepauk, Chennai-005.



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