



W.P(MD)No.5210 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2026

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.5210 of 2026

and

W.M.P(MD)Nos.4352 & 4353 of 2026

Kalidass

... Petitioner

Vs

1.The Commissioner of Survey and Settlement,
O/o. Directorate of Survey and Records,
Survey House, Chepauk, Chennai.

2.The Additional Director (General),
Directorate of Survey and Land Settlement (Survey Division),
Survey House, Chennai.

3.The Regional Deputy Director,
O/o. Department of Survey and Records,
Tiruchirapalli.

4.The Assistant Director of Survey and Records,
O/o. Department of Survey Records,
Pudukottai District.

5.The Inspector Survey,
O/o. District Survey Office,
Pudukottai District.

6.G.N.Balamurugan

7.A.Valarmathi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceeding of the 2nd respondent in Na.Ka. Gna 1.1927/2026(Nia) dated 18.02.2026 and the promotion panel in Na.Ka, Gna 1.11553/2025(Nia) dated 18.02.2026 for the post of Deputy Inspector of Survey, for the year 2025-26 and quash the same as it is arbitrary and illegal and in consequence direct him to promote petitioner as Deputy Inspector of Survey, for the year 2025-2026.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.M.Dinesh Hari Sudarsan (R1 to R5)
Counsel for Government of Tamil Nadu
(Civil Side)

: No appearance (R6 & R7)

ORDER

This Writ Petition has been filed challenging the proceedings bearing Na.Ka.Gna.1/1927/2026 (Nia) dated 18.02.2026 and another proceeding bearing Na.Ka.Gna. 1/11553/2025 (Nia) dated 18.02.2026, whereby the respondents 6 and 7, along with certain other persons, were promoted to the post of Deputy Inspector of Survey, while rejecting the case of the petitioner



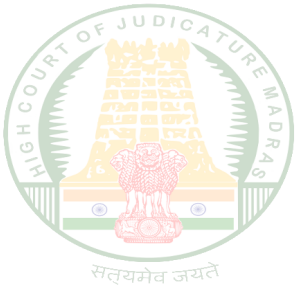
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on the ground that W.A(MD)No.598 of 2025 filed by him is pending

WEB.COM for consideration before this Court.

2.The facts that are relevant for the disposal of this Writ Petition are as under:

2.1.While the petitioner was working as Sub-Inspector of Survey, he was subjected to disciplinary proceedings, resulting in the imposition of punishment of reduction to a lower rank, namely, to the post of Firka Surveyor, for a period of three years through proceedings in Na.Ka.No.Gna.1/972/2022, dated 25.01.2025. Aggrieved by the said proceedings, the petitioner approached this Court by filing W.P(MD)No.5697 of 2025. However, by order dated 03.03.2025, a Co-ordinate Bench of this Court relegated the petitioner to avail an alternative remedy. Aggrieved by the said order, dated 03.03.2025, the petitioner has carried the matter in appeal vide W.A(MD)No.598 of 2025. The learned Division Bench, having entertained the said writ appeal, granted an interim stay of the operation of the proceedings dated 25.01.2015 vide order dated 14.03.2025 in C.M.P(MD)No.4445 of 2025.



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2.2.While the said interim stay was in force, the respondents initiated the process of promotion to the post of Deputy Inspector of Survey by duly considering the persons who are working as Sub-Inspector of Survey. At that stage, the petitioner made a claim for consideration of his case on the ground that, in view of the interim stay granted by the learned Division Bench of this Court, he continued to hold the post of Sub-Inspector of Survey. The said claim of the petitioner was rejected by the respondents through the impugned proceedings dated 18.02.2026 on the ground that the said writ appeal is still pending before this Court and therefore, he is not entitled for consideration of his case for promotion till the disposal of the said writ appeal. Having said so, the respondents proceeded to consider the case of the respondents 6 and 7, who are admittedly juniors to the petitioner in the cadre of Sub-Inspector of Survey. By another impugned proceeding bearing Na.Ka.No.Gna1/11553/2025 (Nia) dated 18.02.2026, the respondents 6 and 7 were promoted to the post of Deputy Director of Survey along with several others. As the case of the petitioner was

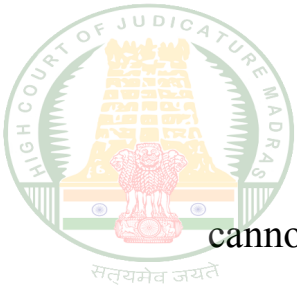


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not considered and his juniors namely respondents 6 and 7 were promoted, he has approached this Court by filling the present Writ Petition challenging both the proceedings dated 18.02.2026.

3.This Court ordered notice to the respondents. Accordingly, the second respondent filed a counter-affidavit on behalf of the respondents 1 to 4. Though notice was duly served on the respondents 6 and 7, they have not entered appearance. As the respondents 6 and 7 have not chosen to contest the matter despite service of notice, this Court is inclined to dispose of the matter taking into consideration the materials available on record.

4.In the counter-affidavit filed by the second respondent, it is stated that the punishment imposed on the petitioner through proceedings dated 25.01.2025 has not been set aside by this Court and that only the operation of the said proceedings has been stayed. It is further stated that by virtue of the said interim order only, the petitioner is continuing now as Sub-Inspector of Survey and therefore unless and until the said writ appeal is disposed of, his case



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cannot be considered for promotion. It is also further contended that in terms of paragraph 13 of Schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the case of the petitioner cannot be considered for promotion during currency of the punishment. According to the second respondent, the punishment imposed through proceedings dated 25.01.2025, reducing the petitioner to a lower rank for a period of three years, continues to operate and therefore disentitles him from consideration for promotion.

5.This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

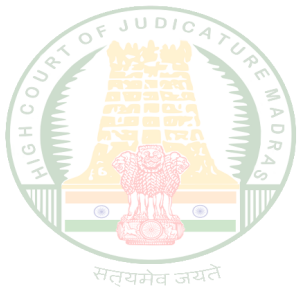
6.The only obstacle putforth by the second respondent for not considering the case of the petitioner for promotion is the punishment imposed through proceedings dated 25.01.2025. It is not in dispute that the operation of the said proceedings dated 25.01.2025 was stayed by the learned Division Bench of this Court by order dated 14.03.2025 and that the said interim order was



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subsequently extended until further orders vide order dated 23.04.2025. The said interim order admittedly continues to remain in force.

7.Once this Court found it fit to grant an interim stay of operation of the proceedings dated 25.01.2025 and the petitioner was restored to his original post of Sub Inspector of Survey and is continuing in the said post, he cannot be denied the benefit of the interim order for other purposes. Once the order of punishment is stayed, it must be treated as non-operative, albeit temporarily, till the disposal of the writ appeal. However, the second respondent failed to consider the interim order granted by the learned Division Bench of this Court in its proper perspective. While the second respondent gave effect to the interim stay order passed by this Court by duly restoring the petitioner to the post of Sub Inspector of Survey, the second respondent completely ignored the effect of the stay when the petitioner's case arose for consideration for promotion.



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8.In the considered view of this Court, the interim stay granted by the learned Division Bench of this Court must enure to the benefit of the petitioner in all respects so long as the said interim order is in operation. Therefore, the refusal to consider the case of the petitioner for promotion to the post of Deputy Inspector of Survey is wholly unsustainable.

9.In the light of the above, the impugned proceedings bearing Na.Ka.No.Gna1/1927/2026 (Nia) dated 18.02.2026 cannot be sustained and are accordingly quashed.

10.Coming to the impugned proceedings bearing Na.Ka.No.Gna1/11553/2025 (Nia) dated 18.02.2026, whereby the respondents 6 and 7 have been promoted to the Post of Deputy Inspector of Survey despite being juniors to the petitioner, the same is liable to be interfered with only to a limited extent. Since the claim of the petitioner was unjustly rejected by the respondents without considering his eligibility for promotion, the same requires reconsideration. Even if the petitioner is ultimately found entitled to

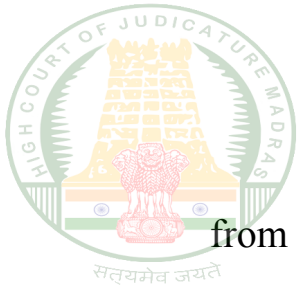


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promotion, only the junior-most candidate would have to be displaced. In the present case, the seventh respondent is stated to be the junior-most among the promoted candidates. Therefore, this Court finds no reason to interfere with the promotion granted in favour of the 6th respondent.

11. In the light in the above, this Court is inclined to quash the promotion order issued vide proceedings Na.Ka.No.Gna1/11553/2025 (Nia) dated 18.02.2026 only insofar as 7th respondent is concerned, especially in view of the fact that the respondent No.7 has not chosen to contest the matter despite service of notice. Accordingly, the said proceedings are hereby quashed only to the extent of promotion granted to the 7th respondent to the post of Deputy Inspector of Survey. Consequently, the second respondent is directed to consider the case of the petitioner for promotion to the post of Deputy Inspector of Survey without reference to the punishment order imposed in proceedings bearing Na.Ka.No. 972/2022 dated 25.01.2025 and pass appropriate orders as expeditiously as possible, at any rate within a period of six weeks



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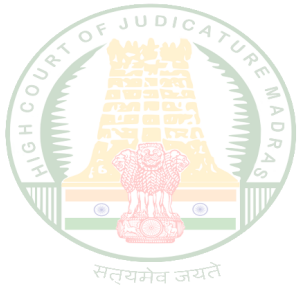
from the date of receipt of a copy of this order. However, it is made clear that any such promotion shall be subject to the result of the Writ Appeal(MD)No.598 of 2020.

12.Accordingly, this Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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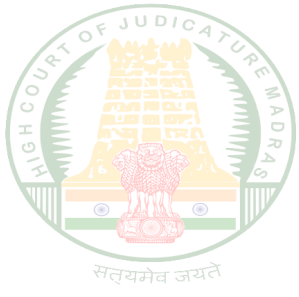
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MUMMINENI SUDHEER KUMAR, J.

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