

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.14087 of 2015

S.Chellamani

.. Petitioner

Vs.

The Directorate of Social Welfare,  
58/70, Arunachalam Street,  
Chintadripet, Chennai - 600 002.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the case of the petitioner for retrospective promotion in the Cadre of Extension Officer (Social Welfare) based on Feeder Category Seniority List viz., Rural Welfare Officer (Women) with all notional benefits including arrears of pensionary benefits, refixation of pay, arrears of pay etc.,

For Petitioner : Mr.V.Suthakar

For Respondent : Mr.V.Jayaprakash Narayanan,  
Special Government Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner was initially working as a Child Welfare Organizer at Tharapuram Block, Erode District from 29.11.1967. She was promoted as Rural Welfare Officer (Women) at Thalavadi Block in the year 1992. The petitioner passed the departmental examination to hold the post of Rural Welfare Officer (Women).

3. The Joint Director (Administration) of Social Welfare and Noon Meals, Chennai, published seniority list of Rural Welfare Officer (Women) / Noon Meal Supervisors. In the said list, the petitioner was placed at Sl.No.84, while one K.Selvamani was placed at Sl.No.167. The date of appointment of the petitioner was 01.11.1992 while the date of appointment of K.Selvamani was 24.02.1994.

4. The respondent called for the particulars of candidates for appointment to the post of Extension Officer (Social Welfare) for the year 2003 by way of promotion from the cadre of Rural Welfare

Officer (Women) / Noon Meal Supervisor, on 06.01.2004. However, the petitioner was not considered for promotion to the post of Extension Officer (Social Welfare) and she retired from service on 31.08.2006.

5. According to the petitioner, the respondent issued two orders dated 23.05.2013 giving retrospective promotion to 313 employees and 171 employees to the post of Extension Officer (Social Welfare) and Child Welfare Project Officer respectively. According to the petitioner, the aforesaid proceedings make it clear that even retired employees are entitled to get notional benefits.

6. In these circumstances, the petitioner had made a representation dated 23.05.2013 to extend the benefits as given to those 313 and 171 employees. Since no order is passed, the petitioner has filed this writ petition.

7. In view of the aforesaid facts and the narrow prayer made during the hearing of the writ petition to dispose of the representation on merits and in accordance with law, the writ petition is disposed of directing the respondent to consider the representation of the petitioner dated 23.05.2013, and pass appropriate orders on merits and in accordance with law, in the light of the proceedings dated 23.05.2013 of the respondent relating to notional promotion to the post of Extension Officer, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Directorate of Social Welfare,  
58/70, Arunachalam Street,  
Chintadripet, Chennai - 600 002.

+1 cc to Mr.V.Suthakar, Advocate, SR.25967

+1 cc to Government Pleader, SR.25884.

sr(co)  
krd 9/6

W.P.No.14087 of 2015