

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2015

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

W.P.Nos.17447 and 22044 of 2014 and
M.P.No.1 of 2014 in W.P.No.17447 of 2014

K.Amirthammal

...Petitioner in both WPs

vs.

- 1.The Director,
Social Welfare Department,
No.58, Arunachalam Street,
Chinthadripet, Chennai -2.
- 2.The Joint Director (Admn)
Social Welfare Department,
No.58, Arunachalam Street,
Chinthadripet, Chennai -2.
- 3.The District Social Welfare Officer,
Villupuram District, Villupuram.
- 4.The District Integrated Child
Development Officer, Villupuram.
- 5.The Child Development Project Officer,
Marakanam, Tindivanam Taluk.

...Respondents in
W.P.No.17447/2014

- 1.The District Social Welfare Officer,
Villupuram District, Villupuram.
- 2.The Child Development Project Officer,
Marakanam, Tindivanam Taluk.
- 3.The Secretary,
Government School Examinations,
Chennai -6.

...Respondents in
W.P.No.22044/2014

W.P.No.17447 of 2014 filed under Article 226 of the
Constitution of India to issue a writ of Certiorarified mandamus,
calling for the records of the 2nd respondent in

Se.Mu.Na.Ka.No.58572/Nir 3(4)/2013 dated 19.06.2014 and the proceedings of the 5th respondent in Se.Mu.Na.Ka.No.25-2010 dated 19.6.2014 and quash the same and thereby to direct the respondents to fix and pay the petitioner the selection grade pay of 4000-100-6000 from 31.10.2013 and to pay the periodical pay therefrom to regularize the medical leave taken by the petitioner from 14.8.2006 to 28.8.2006 and to pay the medical leave and also to pay the salary for the petitioner from 4.9.2006 to 21.2.2007 and to pay the petitioner the pay fixed by the VI pay commission and also the benefits arising therefrom and thereby direct the respondents to pay the petitioner the above amounts with interest at 18% per annum.

W.P.No.22044 of 2014 filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records of the 2nd respondent in his proceedings in Na.Ka.No.25/10 dated 25.7.2014 and quash the same.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.P.Sanjay Gandhi
Addl.Govt.Pleader

C O M M O N O R D E R

The petitioner was initially appointed as Child Welfare Organizer in the Department of Social Welfare on 01.07.1978. Thereafter, she was promoted as Nutrition Supervisor, Grade II on 01.11.1993 and was posted in Vanur Block, Tindivanam Taluk.

2. It is the grievance of the petitioner that she should have been given Selection Grade subsequent to her promotion as Nutrition Supervisor Grade II. In short, it is her contention that Selection Grade should have been taken from 31.10.2003 and consequently pay should have been refixed with effect from 01.11.2003. Since the petitioner was not given Selection Grade pursuant to her representation, she filed a writ petition in W.P.No.32222 of 2012 before this Court. The said writ petition was disposed of by this Court with a direction to the second respondent herein to consider the matter on merits.

3. The respondents revised the pay of the petitioner without giving her Selection Grade vide order dated 19.06.2014. The said order was challenged by the petitioner in W.P.No.17447 of 2014. Subsequently, the second respondent vide proceedings dated 25.07.2014 called upon the petitioner to produce her SSLC Book for verification in view of the direction given by this Court in W.P.No.32222 of 2012. The said proceeding is challenged in W.P.No.22044 of 2014 primarily on the ground that she has already produced her SSLC Book and it was verified by the authority resulting in issuing a genuineness certificate.

4. When W.P.No.22044 of 2014 came up for hearing on 06.01.2014, this Court directed the petitioner to produce SSLC Mark Sheet by 22.01.2015 so as to enable the second respondent to verify its genuineness. Accordingly, the petitioner produced her SSLC Book and the same was verified by the respondents.

5. Today, when the matter came up for hearing, the learned Additional Government Pleader produced a communication dated 23.01.2015 issued by the Joint Director, Government School Examinations, Chennai -6, to the effect that the petitioner has produced SSLC Certificate and it was found genuine. In view of the subsequent events, the matter requires to be considered by the respondents.

6. The impugned order dated 19.06.2014 and the proceedings dated 25.07.2014 on the file of the Child Development Project Officer, Marakanam are quashed and the matter is remitted to the said authority for fresh consideration. The Child Development Project Officer, Marakanam is directed to consider the case of the petitioner for Selection Grade taking into account the verification of the genuineness of her SSLC Certificate and the earlier proceedings on the file of the District Welfare Officer, Villupuram dated 09.05.2005 recommending the case of the petitioner for Selection Grade. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. The writ petitions are allowed as indicated above. No costs. Connected miscellaneous petition is closed.

svki

-s/d-

Assistant Registrar (J)

Dt:3/2/2015

True Copy

Sub-Assistant Registrar

To

1.The Director,
Social Welfare Department,
No.58, Arunachalam Street,
Chinthadripet, Chennai -2.

2.The Joint Director (Admn)
Social Welfare Department,
No.58, Arunachalam Street,
Chinthadripet, Chennai -2.

3.The District Social Welfare Officer,
Villupuram District, Villupuram.

4.The District Integrated Child
Development Officer, Villupuram.

5.The Child Development Project Officer,
Marakanam, Tindivanam Taluk.

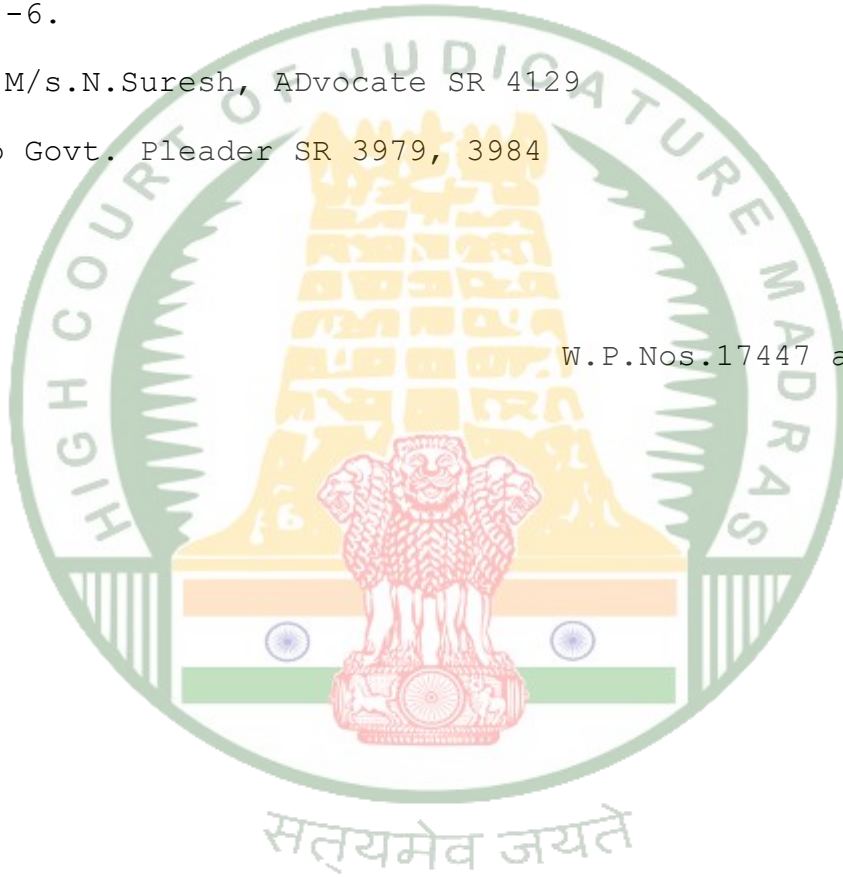
6.The Secretary,
Government School Examinations,
Chennai -6.

+ 1 cc to M/s.N.Suresh, ADvocate SR 4129

+ 2 ccs to Govt. Pleader SR 3979, 3984

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prk9/2

W.P.Nos.17447 and 22044 of 2014



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