

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.Nos.26185 to 26190 of 2017

K.Sumathi .. Petitioner in W.P.No.26185/2017
M. Malliga .. Petitioner in W.P.No.26186/2017
C. Ranjitham .. Petitioner in W.P.No.26187/2017
R. Nallamuthu .. Petitioner in W.P.No.26188/2017
N. Maragadavalli .. Petitioner in W.P.No.26189/2017
A. Murugammal .. Petitioner in W.P.No.26190/2017

Vs.

1. The Secretary to Government,
Social Welfare and Nutritious Meal
Programme (SW8(1)) Department,
Fort St. George, Chennai-9.
 2. The Commissioner of Social Defence,
No.300, Purasaiwalkam High Road,
Chennai-10.
 3. The Commissioner of Social Welfare,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-32.
- .. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 27.07.2017, 10.7.2017, 10.7.2017, 10.7.2017, 10.7.2017, 20.7.2017, respectively in continuation of the orders passed by the Government issued in G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, dated 25.04.2013 with all consequential benefits.

For Petitioner : Mr.S.Ilamvaludhi
in all W.Ps.
For Respondents : Mr.R.A.S.Senthilvel,
in all W.Ps. Additional Government Pleader

C O M M O N O R D E R

The present Writ Petitions have been filed for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioners' representations dated 27.07.2017 in W.P.No.26185/2017 and 10.07.2017 in W.P.Nos.26186, 26187, 26188 and 26189/2017 and 20.07.2017 in W.P.No.26190/2017 respectively, in pursuant to the orders passed by the Government issued in G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, dated 25.04.2013 with all consequential benefits.

2. The case of the petitioners is that they were all appointed as Helper after conducting an interview by the Social Welfare Department on 10.11.1994, 21.11.1994, 19.12.1994, 25.01.1995, 19.12.1994 and 07.03.1995 respectively at the time scale of pay of Rs.170/-. According to the petitioners, so far as the posts of cook, helper, warder, guard and other posts are concerned, they use to be appointed persons who were studied in the Government Observation Home and other Homes coming under the purview of the Social Defence Department. Moreover, similarly placed persons filed a Writ Petition and obtained an order to regularise their services and this Court in a case of Kowsalya and others rendered in W.P.No.8745/2011 by order dated 11.04.2011, directed the respondents to dispose of their representation and the Director of Nutritious Meal Noon Scheme Department by its order dated 25.04.2013 issued G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, dated 25.04.2013 thereby regularising their services and relaxing their age, educational and other qualifications contemplated under Rule 5(a) of the State and Subordinate Service Rules. On one occasion, the Directorate of Social Welfare addressed a letter to the Secretary to Government in Na.Ka.No.5335/NIR/6/(3)/2015 dated 27.11.2015 regularising the services of similarly placed persons those who have completed 10 years of service in the department. Subsequently, the department has also regularised their services by giving the benefit of regular time scale of pay.

3. The further case of the petitioners is that after 2015, the Social Welfare Department brought under the control of the Social Defence by the order of the Government issued in G.O.Ms.No.74, Social Welfare and Nutritious Meal Programme (SW.8 (1) Department dated 30.11.2015 and as such, the petitioners and others are serving under the control of the Social Defence Department. All the writ petitioners are working as helpers from 1994 and 1995 onwards and no priority has been given to them to regularise their services till date. Further, the post of

helper is not coming under the purview of the Tamil Nadu Public Service Commission since it is only a Group 'C' post which does not require the concurrence of the TNPSC. Since the petitioners are also similarly placed like that of Kowsalya, they are all entitled to get the concession granted to Kowsalya. Therefore, they have given individual representation to the 1st respondent to treat them on par with Kowsalya and others as it is done by the Government in G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, dated 25.4.2013 in pursuant to the orders of this Court passed in W.P.No.8745/2011 dated 11.04.2011. Hence the present writ petitions have been filed.

4. Mr.R.A.S.Sakthivel, the learned Additional Government Pleader, who takes notice on behalf of the respondents, sought for sufficient time to consider the case of the petitioners in the light of the G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, dated 25.4.2013.

5. A perusal of the said Government Order shows that similarly placed persons like petitioners have approached this Court by way of filing W.P.No.8745/2011 seeking for a direction to regularise their services and this Court by order dated 11.04.2011 issued a positive direction to consider their case, pursuant to which, the Government has issued G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, dated 25.04.2013 as mentioned above. Since the case of the petitioners is also on the same footing, applying the same principles to the case on hand, the 1st respondent herein is directed to consider and dispose of the representations of the petitioners dated 27.07.2017 in W.P.No.26185/2017 and 10.07.2017 in W.P.Nos.26186, 26187, 26188 and 26189/2017 and 20.07.2017 in W.P.No.26190/2017 respectively, on merits and in accordance with law and also in the light of the orders passed by the Government in G.O.Ms.No.50, Social Welfare and Nutritious Meal Programme (Sa.Na.1) Department, keeping in mind that the petitioners are working continuously from 1994 and 1995 onwards. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order.

6. With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar

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To

1. The Secretary to Government,
Social Welfare and Nutritious Meal
Programme (SW8(1)) Department,
Fort St. George, Chennai-9.
2. The Commissioner of Social Defence,
No.300, Purasaiwalkam High Road,
Chennai-10.
3. The Commissioner of Social Welfare,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-32.

1 cc to Mr.S.Ilamvaludhi, Advocate, Sr. 71727

1 cc to Government Pleqader, Sr. 72605

W.P.Nos.26185 to 26190/2017

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