



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

WEB COPY

W.P.No.18974 of 2019

and

W.M.P.No.18320 and 18322 of 2019

W.Jenifer Pusphlatha

... Petitioner

Versus

1.The Principal Secretary to Government,
Social Welfare and Notorious Meal
Programme Department,
Fort St. George,
Chennai 600 009.

2.The Commissioner,
Commissionerate of Soial Welfare,
Panagal Building, Saidapet,
Chennai 600 015.

3.Director cum Mission Director,
Integrated Child Development Scheme (ICDS),
No.1, Pammal nalla Thambai Street,
Taramani, Chennai 600 113.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ or order or orders or direction more particularly a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings G.O.No.24 Social Welfare and Nutritious Meal Programme (SaNa 1) Department dated 06/06/2019 and quash the same in so far as revision of the petitioner's seniority is concerned and issue a direction directing the respondents herein to restore the petitioner's seniority at Sl.No.58 A and promote the petitioner as Assistant Director/District Social Welfare Officer/District Project Officer from the date of promotion of her immediate junior with all consequential service and monetary benefits within a time-frame.

For Petitioner

: Mr.K.Venkataraman
for M/s.G.Bala and Daisy

For Respondents

: Mr.R.S.Selvam
Government Advocate



O R D E R

This Writ Petition is filed for the issuance of Writ of Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings G.O.No.24 Social Welfare and Nutritious Meal Programme (SaNa 1) Department dated 06/06/2019 and quash the same in so far as revision of the petitioner's seniority is concerned and issue a direction directing the respondents herein to restore the petitioner's seniority at Sl.No.58 A and promote the petitioner as Assistant Director/District Social Welfare Officer/District Project Officer from the date of promotion of her immediate junior will all consequential service and monetary benefits within a time-frame.

2. According to the petitioner, she joined as Community Nutrition Instructor on 23.07.1984 and thereafter she was promoted as Child Development Project Officer on 01.05.2003. The petitioner was proceeded with disciplinary proceedings on certain lapses and after completion of the enquiry she was imposed with the punishment of recovery of Rs.3,51,385/- and the entire amount was also paid by the petitioner.

3. According to the petitioner, she was due for promotion to the post of Assistant Director / District Social Welfare Officer / District Project Officer for the year 2016-2017. The first respondent issued panel of Child Development Project Officers fit for promotion to the post of Assistant Director / District Social Welfare Officer / District Project Officer wherein the petitioner's name was not found but her junior names were included and thereafter they were promoted. The grievances of the petitioner is that initially as per the seniority list dated 03.04.2003, the seniority list was prepared in the year 2016, in which the petitioner was placed at in between one S.Padmavathy and P.Shanthi, Child Development Project Officers. Now, the above said S.Padmavathy and P.Shanthi are placed in Sl.No.58 and Sl.No.59, but the petitioner has been pushed down to Sl.No.283, without giving any notice or reasonable opportunity to the petitioner. This action on the part of the respondents is illegal, unjust and untenable under the statutory rules. It appears that, in this regard, the petitioner made a representation on 28.06.2019 to the respondents but since no action is forthcoming from the respondents, the petitioner has come forward with the present Writ Petition.

4. The learned counsel for the petitioner would submit that it would suffice to issue direction to the first respondent to dispose of the representation in accordance with law.



5. Considering the facts and circumstances of the case and since the representation made by the petitioner dated 28.06.2019 is still pending, the first respondent is directed to consider and dispose of the same by passing appropriate orders in accordance with law and on merits after affording opportunity to the concerned persons, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-)

// True Copy //

Sub Assistant Registrar

bkn

To

1.The Principal Secretary to Government,
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Programme Department,
Fort St. George, Chennai 600 009.

2.The Commissioner,
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Chennai 600 015.

3.The Director cum Mission Director,
Integrated Child Development Scheme (ICDS),
No.1, Pammal nalla Thambai Street,
Taramani, Chennai 600 113.

+1cc to M/s. Bala & Daisy, Advocate, SR.No.84361.

+1cc to Government Pleader, SR.No.84569.

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SAI (CO)
CSR(11/12/2019)