

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 13575 of 2007
(O.A.No.3919 of 2003)

N.Parimala

...Petitioner

Versus

The Director of Social Welfare,
Chepauk, Chennai-5.

...Respondent

PRAYER: Originally this petition has been filed as Original Application No. 3919 of 2003 before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.13575 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records inconnection with files relate to the petitioner proceedings issued in Se.Mu.order No.38180/Nir.3(2)/99 dt 30.10.2003 by the Director of Social Welfare Chennai 5 and quash the same and consequently to direct the respondent to reinstate the petitioner into service.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.K.Magesh
Special Government Pleader

O R D E R

It is the case of the petitioner that she was originally appointed as a Anganvadi worker in the year 1972. Subsequently she was promoted in the year 1995 as a Rural Welfare Officer. Thereafter, she was removed from service in the year 2003 and a charge levelled against her alleging that she produced bogus certificate for getting promotion in the post of Anganvadi Worker to Rural Welfare Officer.

2. Originally the petitioner has filed Application before the Tamilnadu Administrative Tribunal, Chennai in the year 2003

in O.A.No.3919 of 2003. Subsequently, due to abolition of the Administrative Tribunal, the matter has been transferred to this Court and renumbered as W.P.No.13575 of 2007.

3. This Writ Petition has been filed challenging the order passed by the respondent in Se.Mu.order No.38180/Nir.3(2)/99 dt 30.10.2003 and seeks to quash the same and consequently to direct the respondent to reinstate the petitioner into service.

4. The learned counsel for the petitioner would submit that though she was appointed as a Anganvadi Worker in the year 1972 and she was working till 1994. In the year 1995, panel list prepared for promotion for the post of Rural Welfare Officer. She produced the bogus certificate and subsequently in the year 2002 a charge memo was issued alleging that the certificate produced by the petitioner was bogus. Therefore, she was removed from the service in the year 2003.

5. It is further submitted by the learned counsel for the petitioner that charge memo was issued to the petitioner for producing bogus certificate for claiming promotion to the post of Rural Welfare Officer. In any event, petitioner was working as Anganvadi Worker and she is eligible for the said post and she was working for more than 30 years. Therefore, she is eligible for pension. Subsequently, by G.O.Ms.No.41 dated 29.08.2019, Anganvadi workers have been granted Special pension and the petitioner, who worked for more than 30 years, is eligible for the said Special Pension. Therefore, the respondent can be directed to extend the said benefit to the petitioner.

6. The learned Special Government Pleader would submit that the Anganvadi workers are not eligible for any pension and even G.O.41 dated 29.08.2019 is not having retrospective effect, but it is only given prospective effect i.e., it is not a pension scheme and it is a special pension. Further the petitioner is not entitled for the benefit and she was removed from the service in the year 2003 itself.

7. Heard both sides and perused the materials available on record.

8. Admittedly, the petitioner was appointed as Anganvadi worker and subsequently she was promoted in the year 1995 as Rural Welfare Officer (Women) and for promotion as a Rule, one must pass SSLC or equivalent qualification and the petitioner produced certificate as if she passed SSLC. Therefore, she got promotion and working as Rural Welfare Officer during the period 1995-2002. Subsequently in the year 2002, a charge memo was issued against her that the certificate produced by the petitioner for promotion is bogus and therefore, a charge memo

was issued. Subsequently, charges levelled against the petitioner were proved and she awarded the punishment of removal from service in the year 2003.

9. Admittedly, the petitioner was working as Anganvadi worker for more than 30 years and though she is not having requisite qualification for promotion to the post of Rural Welfare Officer, she was qualified to continue to be Anganvadi worker and she was working as Anganvadi worker from 1972 to 2003. Even at the time of filing this Original Application before the Administrative Tribunal, she was 51 years. Therefore, the question of reinstatement would not arise. Further the certificate issued by the petitioner was found to be bogus. Therefore, the petitioner is not entitled for relief sought for in the Writ Petition.

10. Though, the learned counsel for the petitioner would submit that she was working for more than 30 years and she is eligible for pension, as pointed out by the learned Special Government Pleader, the Anganvadi Worker service is not a pensionable service. Even in the Government Order in O.A.No.41 dated 29.08.2019 only special pension is granted. But a reading of the Government Order would go to show that there is no retrospective effect given, it is only given prospective effect. The petitioner was admittedly removed from service in the year 2003 itself. Therefore, this Court is not inclined to give any positive direction. Accordingly, this Writ Petition is dismissed. No costs.

11. Considering the length of service, this court deems it fit to give a direction to the petitioner that if she finds eligible for pension, liberty is granted to the petitioner to give representation to the Government. In case, the Government received such representation and found that the petitioner is otherwise eligible, the competent authority shall consider her representation and pass appropriate orders within a reasonable time.

12. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Director of Social Welfare,
Chepauk, Chennai-5.

+1cc to the Government Pleader, S.R.No.37166

W.P. 13575 of 2007

RR(CO)
RV(22/12/2020)



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