



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.5056 of 2009

R.Mathina

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Social Welfare and Nutrition Meals Scheme Dept.,
Fort St. George, Chennai 600 009.

2.The Commissioner/Director of Social Welfare,
Directorate of Social Welfare,
Chepauk, Chennai 600 005.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the order bearing Se.Mu.Na.Ka.No.15801/Nir 5(3)/2001 dated 06.12.2005 of the second respondent herein and quash the same and direct the respondents to grant all consequential benefits such as back wages, arrears of salary etc.

For Petitioner : Ms.Hemalatha
for Mr.K.S.Viswanathan

For Respondents : Mr.S.John J.Raja Singh
Government Advocate

O R D E R

The petitioner has challenged an order of dismissal from service as a Child Welfare Organizer. Prior thereto, she had had filed WP.No.735 of 2006 challenging the same order which came to be disposed on 07.02.2006, directing the petitioner to avail alternate statutory remedy. The petitioner had filed a statutory appeal and since the appeal was long pending, she filed another writ petition in WP.No.29288 of 2006 again seeking a quash of order dated 06.12.2005.



2. This writ petition came to be disposed directing the first respondent i.e. the State to consider the appeal of the petitioner challenging order dated 06.12.2005 and pass appropriate orders after hearing the petitioner within a period of six weeks from date of receipt of that order. A direction was also given that in the event the petitioner makes a claim before the State that she may be considered for the reverted post, Child Welfare Organizer, which post she was holding from 1978 onwards for which the required qualification is 8th standard pass, such request shall also be considered while disposing the appeal, if she were otherwise qualified.

3. In a counter filed on 14.09.2021, the State has said that the appeal has been disposed and G.O.(D)No.92 Social Welfare and Nutritious Meal Programme (SW1) Department has been issued on 05.09.2013, adverse to the petitioner. With the passing of the appellate order, nothing survives in this writ petition insofar as the order of dismissal will stand telescoped into the subsequent order dated 05.09.2013.

4. Recording the aforesaid, this writ petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

vs

To

1.The Secretary to Government,
Government of Tamil Nadu,
Social Welfare and Nutrition Meals Scheme Dept.,
Fort St. George, Chennai 600 009.

2.The Commissioner/Director of Social Welfare,
Directorate of Social Welfare,
Chepauk, Chennai 600 005.

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

+1CC to The Government Pleader, SR.No. 48234

W.P.No.5056 of 2009

SV I(CO)

B.VC (01/10/2021)