



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO. 33208 OF 2014

R.Rani

..Petitioner

Vs

1.The Commissioner,
Social Welfare Department,
58, Arunachalam Street,
Sindhadiripet, Chennai-600002.

2. The Social Welfare Officer,
Social Welfare Office,
Namakkal.

..Respondents

Prayer:

writ petition is filed under Article 226 of Constitution of India for Writ of Certiorarified Mandamus, calling for the entire pertaining to the order passed by the 1st respondent in Na. Ka. No. 4066/Nir 6 (1)/2013 dt 9.10.2014 and quash the same consequently issue direction directing the 1st respondent to categories the petitioner in the post of Instructor Tailoring Grade I right from 24.10.1986 and pay all monitory service and retirement benefit in the post of Instructor Tailoring Grade I as per G.O.Ms. no.600 Social Welfare Department dt 26.7.1980

For Petitioner : Mr.P.Sagadevan
For Respondents : Mr.U.M.Ravichandran, Spl.GP

O R D E R

The relief sought for by the petitioner is to call for the entire pertaining to the order passed by the 1st respondent in Na. Ka. No. 4066/Nir 6 (1)/2013 dt 9.10.2014 and quash the same consequently issue direction directing the 1st respondent to categories the petitioner in the post of Instructor Tailoring Grade I right from 24.10.1986 and pay all monitory service and retirement benefit in the post of Instructor Tailoring Grade I as per G.O.Ms. No.600 Social Welfare Department dt 26.7.1980.



2. The writ petitioner was appointed as instructor of Tailoring on 24.10.1986 in the respondent-department and joined duty on 03.11.1986 on regular basis. The petitioner's service has been regularised by the department in the pay scale of Rs.610-20-730-25-955-30-1025. The petitioner came to know that the orders in G.O.Ms. No. 600 passed by the Social Welfare Department, dated.26.07.1980 directed to appoint the qualified instructors from the Grade II to Grade-I as per eligibility criteria prescribed in the said G.O. The writ petitioner is fully qualified as per G.O,. therefore she is entitled for promotion to the post of Grade-I instructor. Despite several request to the respondent, the respondent has not promoted the petitioner as Grade-I. The petitioner made representation on 17.06.2009 to the 2nd respondent. The 1st respondent directed to submit the service particulars of the petitioner for ascertaining whether she is eligible for Grade-I promotion as per aforesaid G.O.Ms. No. 600, Social Welfare Department, dated.26.07.1980. Based on the communication, the 2nd respondent forwarded all the particulars to the 1st respondent. According to the petitioner, after receipt of the said details, no orders have been passed by the 1st respondent on the request made by the petitioner. Subsequently, the petitioner was retired from service on attaining the age of superannuation on 31.05.2013. The petitioner made request to the Government to consider his request for the promotion as Grade-I Instructor. The 1st respondent passed impugned order, rejecting the request made by the petitioner. Challenging the same, the present writ petition is filed.

3. According to the learned counsel for the petitioner, the petitioner had possessed all the qualification as required in the G.O.Ms. No. 600, Social Welfare Department, dated.26.07.1980 but the respondent did not consider his name for the promotion to the post of Grade I Instructor. Similarly placed persons have got benefit of promotion as Grade-I Instructor, whereas the petitioner's request was rejected, which is illegal, discriminatory and liable to be quashed.

4. Counter affidavit has been filed by the respondent. The learned Special Government Pleader has contended that the Government in G.O.Ms. No. 600, Social Welfare Department, dated.26.07.1980 has categorically specified the frame work for Tailoring Instructor Grade I and grade II, stipulating the pay scale for the categories operating only for the persons who have joined as Tailoring Instructor before 1980. But the petitioner had joined in service only in the year 1986 i.e on 24.10.1986. The learned Special Government Pleader has further submitted that the rules framed in the aforesaid G.O is only for a specific purpose, therefore claiming promotion by the petitioner



citing the said Government Order cannot be accepted and prayed for dismissal of the present writ petition.

5. This Court has considered the submissions made by the learned counsel on either side. Since the present issue involved in the writ petition is whether the petitioner is entitled for the promotion to the post of Grade-I instructor as per the G.O., it is useful to extract the relevant portion of the aforesaid G.O.Ms. No. 600, Social Welfare Department, dated.26.07.1980.

"6.Qualification:

1. Instructor Tailoring:	Grade -I i.) Must have passed III form, or VII Standard in a recognized school; (ii). Must have passed the Government Technical Examination in Tailoring needle work, Embroidery and dress making by higher grade. (iii). Must possess a T.T.C in Tailoring and (iv) Must possess practical experience in importing instructions in tailoring and cutting clothes for garments required by men, women and children for a period of not less than two years.
	Grade -II (i) Must have passed III form or VIII Standard in a recognised school. (ii) Must have passed the Government Technical Examination in Tailoring needle work, embroidery and dress making by lower grade and (iii) Must possess practical experience in imparting instructions in Tailoring and cutting cloths for garments, required by men, woken and children for a period of not less than three years.

....
Copy communicated for information and necessary action to get the services of the holders of the posts regularised, probation and periodical increment sanctioned etc. This work should be completed before 31.10.1980."



6. Admittedly, the rules framed in the said G.O are ad-hoc rules, framed for specific purpose and not intended to be able to be adopted to other purpose. Moreover, it is clearly mentioned in the G.O that the persons who were appointed before 1980 are alone eligible to be promoted on ad-hoc basis and also mentioned the cut off date for completion of work as 31.10.1980. Therefore the petitioner herein who joined in service in the year 1986 cannot claim promotion citing the said G.O. Further, the petitioner had subsequently retired from service on attaining the age of superannuation in the year 2013. On this ground also the petitioner cannot claim promotion to the post of Tailoring Instructor Grade-I.

7. In view of the reasons stated above and on the grounds of laches, this Court cannot entertain this writ petition as the same is devoid of merits.

8. Accordingly, the writ petition stands dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Social Welfare Department,
58, Arunachalam Street,
Sindhadiripet, Chennai-600002.

2. The Social Welfare Officer,
Social Welfare Office,
Namakkal.

+1cc to the Government Pleader, S.R.No.66168

W.P.Nos. 33208 of 2014

GJ(CO)
PM/24/01/2022