

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25793 of 2014

A.R.Mangayarkarasi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Social Welfare and Noon Meal Department,
Fort St. George, Chennai - 600 009.
2. The Director,
Social Welfare Department,
T.N. Government Community Hall,
Arunachalam Street, Chinthathripet, Chennai.
3. The District Social Welfare Officer,
Office of the District Social Welfare,
Singaravelan Maligai, 8th Floor,
Rajaji Salai, Chennai - 600 001.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to grant Special Grade in the Post of Senior Matron w.e.f. 12.02.2005 with all consequential service and pensionary benefits within a time frame.

For Petitioner : Mr.P.Arumugarajan

For Respondents : Mr.J.Ramesh
Additional Government Pleader

ORDER

Heard both sides and perused the materials brought on record.

2.This writ petition has been filed seeking a direction to the respondents to grant Special Grade in the Post of Senior Matron with effect from 12.02.2005 with all consequential service and pensionary benefits within a time frame to be stipulated by this Court.

3. Upon notice, the third respondent filed a detailed counter affidavit, wherein, in paragraphs 4 and 5, it is stated as follows

"4. This respondent submits that on 22.12.1998 the petitioner has been promoted as Superintendent with a prescribed condition that those who are promoted as Superintendent, should pass all the department exam within a period of 3 years, failing which they will not be granted any increment for the subsequent years without cumulative effect until they pass the prescribed tests and the petitioner was posted at Tamilnadu Government Working Women Hostel, Adyar, Chennai. At the time of promotion, the petitioner has completed only 49 years of age and she failed to pass the tests as per the prescribed condition. Hence, her increment was stopped from the 4th years of her promotion i.e, from 14.03.2011 vide the Order of the District Social Welfare Officer, in Rc.No.2137/A1/2007, dated 14.01.2011.

5. With regard to the allegation made in paras 4 & 5 of the affidavit that due to stoppage of increment, the petitioner submitted her representation stating that she has completed 50 years of age as such relaxation may be given to pass the tests and the increment may also be granted to her with cumulative effect. At the time of promotion, the petitioner was aged 49 and was promoted after accepting the conditions imposed by the authorities and after accepting the same, she has to abide by the condition imposed. She also claimed Selection Grade and Special Grade in the Lower Post which cannot be granted after the promotion. The petitioner would have claimed Selection Grade pay at the time of promotion itself if she is eligible for the same. However, the petitioner's request was considered by the respondents by granting Selection Grade in the lower post w.e.f. 12.02.1995 and her pay has been revised as per the Order No.2161/A1/2008 dated 05.03.2009. The petitioner retired from service on attaining superannuation on 31.05.2007. However, pensionary benefits were granted to the petitioner in accordance with law by fixing Selection Grade in the post of Senior Matron. Since the petitioner was promoted on 22.12.1998, Special Grade could not be granted to the petitioner as per the conditions. This respondent submits that all the monetary benefits as per G.O.Ms.No.286 Personnel and Administrative Reforms (FR-V) has been granted to the petitioner. However,

Special Grade in the post of Senior Matron cannot be granted as she has not completed 20 years of service in the post of Senior Matron."

4. In the light of the aforesaid averments made in the counter affidavit filed by the third respondent, this Court is of the opinion that no further order is required to be passed in this writ petition and the same is accordingly, closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Secretary to Government,
Social Welfare and Noon Meal Department,
Fort St. George, Chennai - 600 009.
2. The Director,
Social Welfare Department,
T.N. Government Community Hall,
Arunachalam Street, Chinthathripet, Chennai.
3. The District Social Welfare Officer,
Office of the District Social Welfare,
Singaravelan Maligai, 8th Floor,
Rajaji Salai, Chennai - 600 001.

+1 cc to The Government Pleader Sr.No. 1485

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SMI (CO)
RMP (30/04/2021)

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