



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24931 of 2009

K.Saraswathi

...Petitioner

-Vs-

1.The Director of Social Welfare,
Chepauk, Chennai - 05.

2.The Project Officer,
Collectorate,
Krishnagiri.

3.A.Kulandaiammal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to promote the petitioner to the post of Community Nutrition Supervisor/ Women Rural Welfare Officer retrospectively with effect from 19.07.1993 the date on which the 3rd respondent was promoted with all monetary and other consequential service benefits with arrears of pay in the revised scale.

For Petitioner : Ms.Swati Subramaniam
for Mr.R.Subburaj

For R1 & R2 : Mr.C.Selvaraj,
Additional Government Pleader

For R3 : No Appearance

ORDER

Heard Ms.Swati Subramaniam, learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader for the respondents 1 and 2. There is no representation for the third respondent herein.

2. While the petitioner herein had joined the services of the first respondent on 21.09.1978, the third respondent herein had joined the services on 25.09.1978, in the post of Child Welfare Organiser. Apparently, the third respondent is junior to the petitioner herein.



3. It is the grievance of the petitioner that she was promoted to the post of Community Nutrition Supervisor on 18.08.2008, whereas the third respondent was promoted on 19.07.1993 itself. Since the petitioner's junior was promoted on 19.07.1993 itself, the petitioner now claims notional promotion from 19.07.1993.

4. If the claim of the petitioner that the third respondent, who is junior to her and that she was promoted on 19.07.1993, is true, the petitioner would be entitled for retrospective notional promotion from 19.07.1993 onwards, i.e. the date on which the third respondent was promoted.

5. In the light of the above observation, the petitioner is granted liberty to make a representation to the first respondent herein, seeking for retrospective notional promotion to the post of Community Nutrition Supervisor from 19.07.1973, together with all monetary benefits, including the pensionary benefits and on receipt of such a representation, the first respondent shall pass appropriate orders, in the light of the observation made in this order, within a period of eight (8) weeks from the date of receipt of the representation.

6. With the above direction, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

hvk

To

1.The Director of Social Welfare,
Chepauk, Chennai - 05.

2.The Project Officer,
Collectorate, Krishnagiri.

+1cc to Mr.R.Prem Narayan, Advocate SR.No.15592

+1cc to Government Pleader SR.No.15902

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RSV(CO)
GMY(17/03/2022)