



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15508 of 2017

and

W.M.P.Nos.16827 & 16828 of 2017

1.S.Vetriselvi

2.P.Kalaivani

3.M.Valindiana

4.I.Sudha

5.M.Ezhilarasi

...Petitioners

Vs

1.The Director,
Department of Women and
Child Development,
Government of Puducherry,
Puducherry State,
Puducherry.

2.The Child Development Project Officer,
Department of Women and
Child Development,
Karaikal District, Karaikal,
Puducherry State.

3.The Managing Director,
Puducherry Corporation for the
Development of Women & Differently
Abled Persons Limited,
(The Government of Puducherry
Undertaking)
No.1, 2nd Main Road,
Natesan Nagar,
Puducherry - 605 005.

4.The District Collector,
Collectorate,
Karaikal District,
Puducherry State.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records of appointment of Anganwadi workers, joining reports of both Puducherry and Karaikkal region, including the salary disbursement register pertaining to the appointment of Anganwadi workers maintained by the 1st and 2nd respondents and connected all other relevant records pertaining to the impugned order passed by the 3rd respondent dated 26.05.2017 in No.7/PCDW&DAP/2017 on the file of the 3rd respondent and quash the same.

For Petitioners: Mr.K.M.Subramaniam

For Respondents: Ms.G.Djearany,
Government Advocate (Puducherry)

ORDER

Heard Mr.K.M.Subramaniam, learned counsel for the petitioners, Ms.G.Djearany and the learned Government Advocate appearing for the respondents assisted by Ms.P.Sathya, Child Development Project Officer/ the second respondent herein through Video Conferencing.

2. The learned counsel for the petitioners would submit that he is not pressing the writ petition insofar as the fifth petitioner namely M.Ezhilarasi is concerned. Insofar as the other petitioners are concerned, it is his case that all of them were appointed as Anganwadi Workers with effect from 11.11.2009 and therefore, the impugned order of the third respondent herein dated 26.05.2017, revising the seniority of these petitioners, is incorrect.

3. The respondents have filed a counter affidavit stating that owing to compelling circumstances to bestow its personal attention on the seniority settled and owing to numerous petitions from those who joined on 16.11.2009, the revision came to be made. It is also their submission in the counter affidavit that the petitioners did not raise any objections with regard to their joining date as 16.11.2009. It is in this background, the respondents have taken a stand that they would be entitled to claim honorarium from 16.11.2009, which according to them is the date of joining.

4. This Court had called upon the respondents to produce the records to substantiate the date of joining of the respective petitioners. Accordingly, the attendance register pertaining to the month of November, 2009 was produced, which evidences that the petitioners herein had joined on 11.11.2009 itself and have been in continuous employment for that month.



5. This apart, the proceedings of the Child Development Project Officer, Karaikal dated 26.08.2014 has also been produced before this Court, which evidences that the actual date of joining of these petitioners is 11.11.2009. When the records clearly establish the date of joining as 11.11.2009, the claim made by the respondents in the counter affidavit seems to be baseless. Consequently, the impugned order passed by the third respondent, revising the petitioners' seniority, cannot be sustained.

6. In the light of the above observations, the impugned order passed by the 3rd respondent dated 26.05.2017, insofar as it relates to the petitioners 1 to 4 herein, is quashed. Consequently, the respondents are called upon to restore the original seniority of the petitioners. Such orders for restoration of the original seniority shall be made, atleast within a period of one week from the date of receipt of a copy of this order. In view of the quashing of the impugned order, the petitioners herein will be entitled for all the monetary and service benefits arising therefrom.

7. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

hvk

To

1.The Director,
Department of Women and
Child Development,
Government of Puducherry,
Puducherry State,
Puducherry.

2.The Child Development Project Officer,
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Karaikal District, Karaikal,
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4.The District Collector,
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Puducherry State.

+1cc to Government Pleader, Puducherry SR.No.3494

W.P.No.15508 of 2017

MT(CO)
GMY(04/02/2022)