



W.P.No.26810 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26810 of 2018

S.Chellamani

... Petitioner

Vs.

The Directorate of Social Welfare,
Old Engineering Complex,
Chepauk, Chennai – 600 005.

... Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation made by the petitioner on 01.07.2017 for notional promotion in the cadre of Extension officer (Social Welfare) based on feeder category seniority list viz., Rural Welfare officer (Women) together date of acquisition of qualification with all benefits including arrears of pensionary benefits, refixation of pay, arrears of pay etc.,

For Petitioner : Mrs.T.Hemalatha

For Respondent : Mrs.S.Anitha
Special Government Pleader



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ORDER

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The relief sought for in the present writ petition is to direct the respondent to consider the representation made by the petitioner on 01.07.2017 for notional promotion in the cadre of Extension officer (Social Welfare) based on feeder category seniority list viz., Rural Welfare officer (Women) together with date of acquisition of qualification with all benefits including arrears of pensionary benefits, refixation of pay, arrears of pay etc.,

2.The petitioner states that she was initially appointed as Child Welfare Organizer on 29.11.1967. She was promoted as Rural Welfare Officer (Women) on 01.11.1992 and retired from service on 31.08.2006.

3.The grievance of the writ petitioner is that she was not considered for promotion to the post of Extension Officer (Social Welfare) in the year 1997. Despite the fact that she was eligible and fully qualified for promotion, the petitioner states that another co-employee one Smt.Yakulamarry was considered for promotion to the post of Extension Officer (Social Welfare) and the case of the writ petitioner was not considered for promotion in the year 1997. In this regard, the



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petitioner earlier filed a writ petition in W.P.No.14087 of 2015 and this Court passed an order on 01.06.2015, directing the respondent to consider the case of the writ petitioner based on the representations. However, the respondent passed an order on 05.01.2017, stating that the date of promotion of the said Tmt.Yakulamarry was mistakenly stated as 09.08.1992. It is further contended that the junior to the writ petitioner Tmt.Jeenath Soorya was promoted subsequently after the retirement of the writ petitioner and therefore, no junior to the writ petitioner was promoted to the post of Extension Officer (Social Welfare) when the petitioner was in service. The claim of the writ petitioner was rejected in proceedings dated 05.01.2017. However, the petitioner has not chosen to challenge the order of rejection. Contrarily, she had submitted another representation and filed the writ petition in the year 2018, seeking a direction to consider the representation.

4.The claim of the writ petitioner for promotion pertained to the year 1997. The first writ petition itself was filed after a lapse of nine years from the date of retirement of the writ petitioner. Pursuant to the order passed by this Court, the respondent rejected the claim of the writ petitioner and the said order of rejection was not challenged. However, the present writ petition is filed once again seeking



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the relief to consider the representation submitted by the writ petitioner on 01.07.2017 for notional promotion in the cadre of Extension Officer (Social Welfare). Thus, the petitioner has slept over for long years and approached the Court in the year 2015 after a lapse of about nine years from the date of retirement. The present writ petition is filed after a lapse of twelve years from the date of retirement. This being the factum, the writ petitioner is not entitled for the relief as such sought for in the present writ petition.

5. Accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr



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To
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S.M.SUBRAMANIAM, J.

SSR

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