



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)Nos.1347 of 2013 and 1864 of 2015

and

M.P.(MD).No.1 of 2013

W.P.(MD)No.1347 of 2013

S.Flora Stella

... Petitioner

vs.

1.The State of Tamil Nadu
represented by its Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Secretariat,
Chennai 600 009.

2.The Director of Social Welfare,
Chennai 600 005.

3.The District Social Welfare Officer,
Trichy.

4.The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai 600 009.

... Respondents



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Letter No. 2866/SW1/(2)/2009-08, dated 21.09.2012, quash the same, and consequently direct the respondents to extend the benefits of G.O.(Ms).No.554, Finance (Pay Cell) Department, dated 28.09.1998.

For Petitioner : Mr.P.Saravana Kumar
for M/s.P.Kalaiyarasi Bharathi
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

W.P.(MD)No.1864 of 2015

S.Flora Stella

... Petitioner

vs.

1.The State of Tamil Nadu
represented by its Secretary to Government,
Social Welfare Department,
Secretariat,
Chennai 600 009.

2.The Commissioner,
Social Welfare Department,
Sindhathiripet,
Chennai.



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

WEB COPY

3.The Director of Social Welfare,
Chennai 600 005.

4.The District Social Welfare Officer,
Trichy.

5.The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No. 3600/Nir6(1)/2014, dated 20.01.2015, quash the same and direct the respondents to categorise the petitioner in the post of Instructor Tailoring Grade-I and pay all monetary and service benefits in the post of Instructor Tailoring Grade-I, as per G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980.

For Petitioner : Mr.P.Saravana Kumar
for M/s.P.Kalaiyarasi Bharathi
For Respondents : Mr.D.Gandhiraj
Special Government Pleader



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

WEB COPY

COMMON ORDER

W.P.(MD).No.1347 of 2013 is filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent in his Letter No.2866/SW1/(2)/2009-08, dated 21.09.2012 and quash the same and consequently direct the respondents to extend the benefits of G.O.(Ms).No.554, Finance (Pay Cell) Department, dated 28.09.1998.

2. W.P.(MD).No.1864 of 2015 is filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.3600/Nir6(1)/2014, dated 20.01.2015 and quash the same and consequently direct the respondents to categorise the petitioner in the post of Instructor Tailoring Grade-I and pay all monetary and service benefits in the post of Instructor Tailoring Grade-I, as per G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980.

3. The learned counsel for the petitioner submitted that the petitioner was selected for appointment to the post of Tailoring Instructress through Employment Exchange on merits. She joined the service on 08.04.1996. Her service has been



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

WEB GORM

regularised with effect from 08.04.1996 and the scale of pay was fixed at Rs. 950-20-1150-25-1500. The Government passed G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980. As per the said G.O., instructors employed in various work centres and production units run by the Department of Social Welfare were drawing consolidated pay ranging from Rs.65/- to Rs.150/- per month for a long time. Hence, the Rules applicable to similar posts in the Department of Industries and Commerce may be adopted and the incumbents may be allowed to draw time scale of pay. The Government after careful consideration ordered that the Instructors in work centres and production units be allowed the scales of pay of Rs.160-5-240 and Rs.225-10-300 as applicable to the Junior Instructors and Senior Instructors respectively in the Department of Industries and Commerce, pending issue of *ad hoc* rules for these posts. The Director of Social Welfare was directed to fit in the existing incumbents in the above two scales of pay suitably and that the orders will take effect from 01.07.1975.

4. It is further submitted that the petitioner possessed the qualification for being appointed as Grade-I Tailoring Instructor, when she was appointed in that category. She filed W.P.(MD).No.16840 of 2012, for appointing her as Grade - I



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

Tailoring Instructor and she was asked to give a fresh representation. While so, One Man Commission constituted by the Government Order in G.O.(Ms.)No.170, Finance (Pay Cell) Department, dated 21.04.1998 recommended revision of scale of pay of certain categories in the Social Defence Department, including the category of Tailoring Instructor Grade I and Grade II.

5. On the basis of the report, the Government vide its order in G.O. (Ms.)No.554, Finance (Pay Cell) Department, dated 28.09.1998, revised the scale of pay of the post of Tailoring Instructors Grade - I and Grade - II in Social Defence Department. Therefore, she prayed in W.P.(MD).No.1347 of 2013 that the impugned order passed by the first respondent in his proceedings in Letter No. 2866/SW1(2)/2009-03, dated 21.09.2012 to be quashed and consequently, benefits to be extended as per G.O.(Ms.)No.554, Finance (Pay Cell) Department, dated 28.09.1998. In W.P.(MD).No.1864 of 2015, it is prayed by the petitioner that the impugned order passed by the second respondent in Na.Ka.No. 3600/Nir6(1)/2014, dated 20.01.2015 to be quashed and the respondents be directed to appoint the petitioner in the post of Instructor Tailoring Grade - I and pay all monetary and service benefits in the post of Instructor Tailoring Grade - I,



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

as per G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980.

6. It is further submitted by the learned counsel for the petitioner that one Tmt.A.Glaris sent a representation for her appointment as Grade - I Tailoring Instructor and for monetary benefits, on the basis of the G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980 and the same was favourably considered. Thus, the petitioner should also be considered in line with the order passed in favour of Tmt.A.Glaris and as per G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980.

7. Per contra, learned Special Government Pleader appearing for the respondents submitted that the petitioner was appointed in the post of Tailoring Instructor Grade - II, on the basis of the advertisement given through Employment Exchange. She was appointed from 08.04.1996, as Tailoring Instructor Grade - II. G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980, as per the impugned order, is not applicable to the petitioner. This G.O. applies only to the persons working as Tailoring Instructors on the date of issuance of G.O. Tmt. A.Glaris was appointed in 1968 and therefore, she was



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

conferred with the benefits of G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980. The petitioner cannot seek a relief on par with Tmt.A.Glaris, on the basis of G.O(Ms).No.190.

8. This Court has considered the rival submissions and perused the records.

9. It is pertinent to extract certain portion of G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980.

*“Government of Tamil Nadu
Abstract*

*Pubic Service – Subordinate Services – Madras General
Subordinate Service – Temporary posts of Craft Instructors in the
Work Centres and Production Units of Social Welfare Department –
Adhoc Rules – Issued.*

SOCIAL WELFARE DEPARTMENT

*G.O.Ms.No.600
26th July 1980.*

dated

*Read: 1) From the Director of Social Welfare Letter
No.12040/AII-3/70, dated 16.06.70 and
03.07.71.*

*2)From the Director of Social Welfare Letter
AI(1) 33737/77-12, dated 19.12.78.*

Read also: 1) G.O.Ms.No.805 Social Welfare, dated 16.10.75

ORDER:



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

WEB COPY

The Director of Social Welfare reported that Instructors employed in various work centres and production units run by the Department of Social Welfare are drawing consolidated pay ranging from Rs.65/- to Rs.150/- p.m. for a long time. Hence the rule applicable to similar posts in the Department of Industries and Commerce may be adopted and the incumbents may be allowed to draw time scales of pay. The Government after careful consideration ordered in Government Order read above that the Instructors in work centers and production units be allowed the scales of pay of Rs.160-5-240 and Rs.225-10-300 as applicable to the Junior Instructors and Senior Instructors respectively in the Department of Industries and Commerce. Pending issue of adhoc rules for these posts. The Government also directed that the existing unqualified had put in not less than 5 years of service and he allowed the scales applicable to them out of the above two scales of pay and that the un-qualified persons with less 5 years of service be allowed only the minimum of the scale until they acquire their prescribed qualifications. The Director of Social Welfare was therefore requested to fit in the existing incumbents in the above two scales of pay suitably and that the orders will take effect from 01.10.75. The adhoc rules proposed by the Director of Social Welfare have been examined and the following orders are passed."

10. This part of the G.O. makes it clear that certain instructors were employed by Social Welfare Department and they were working in various work centres and protection units run by the Department of Social Welfare drawing consolidated pay ranging from Rs.65/- to Rs.150/- per month for a long time. At the same time, the Junior Instructors and Senior Instructors working in Department of Industries and Commerce were drawing time scale of pay ie., Rs.



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

160-5-240 and Rs.225-10-300.

11. Taking note of this this, the Director of Social Welfare Department reported to the Government that the persons working in Social Welfare Department on consolidated pay may be permitted to draw time scale of pay. The Government considered the issue and decided to allow the incumbents working in Social Welfare Department to draw time scale of pay, as above, applicable to the Junior Instructors and Senior Instructors in the Department of Industries and Commerce. The order came into effect from 01.10.1975. This G.O. also refers about the Rules for various categories of Instructor post. The consolidated pay drawn by the incumbent Instructors i.e., the Instructors, who were working in Social Welfare Department on the date of issuance of G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980, is recommended to be converted into time scale of pay. It is not in dispute that the petitioner was appointed on 08.04.1996. Therefore, this Court is of the considered view that the petitioner though possessed the qualification for being appointed as Tailoring Instructor Grade - I, having been appointed through Employment Exchange, as Tailoring Instructor Grade - II, cannot seek the benefit, on the basis of G.O.(Ms).No.600, Social



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

Welfare Department, dated 26.07.1980. The impugned order makes it clear that the G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980, applies only to the Tailoring Instructors, who were appointed prior to 1980.

12. The case of Tmt.A.Glaris is that she was appointed in 1968. Therefore, her claim has been considered for the post of Tailoring Instructors Grade - I and monetary benefits were also considered. Therefore, the petitioner cannot claim herself on par with Tmt.A.Glaris. When the petitioner cannot claim the benefit under G.O.(Ms).No.600, Social Welfare Department, dated 26.07.1980, the claim made in W.P(MD).No.1347 of 2013 to direct the respondents to extend the benefits of G.O.(Ms).No.554, Finance (Pay Cell) Department, dated 28.09.1998, cannot be countenanced. This Court finds no merit in both the writ petitions. Therefore, both the writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

16.06.2022

Index : Yes / No

Internet : Yes / No

akv

11/13



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

WEB COPY

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Social Welfare and Nutritious Meal Programme Department,
Secretariat,
Chennai 600 009.
- 2.The Director of Social Welfare,
Chennai 600 005.
- 3.The District Social Welfare Officer,
Trichy.
- 4.The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai 600 009.
- 5.The Secretary to Government,
State of Tamil Nadu,
Social Welfare Department,
Secretariat,
Chennai 600 009.
- 6.The Commissioner,
Social Welfare Department,
Sindhathiripet,
Chennai.



WEB COPY



W.P.(MD)Nos.1347 of 2013 & 1864 of 2015

G.CHANDRASEKHARAN, J.

akv

Order made in
W.P.(MD)Nos.1347 of 2013 and 1864 of 2015

Dated:
16.06.2022