



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1811 of 2019

Ramalakshmi

... Petitioner

vs.

1.The Commissioner

Commissionerate of Social Welfare
Saidapet, Chennai-600 016

2.The District Social Welfare Officer

Tirunelveli District, Tirunelveli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.17946/Nir.3(1)/2018, dated 29.11.2018 and quash the same as illegal and arbitrary and consequently direct the 1st respondent to give notional promotion to the petitioner in the post of Extension Officer (Social Welfare) with effect from 28.11.2006 on par with her junior Tmt.Ambiga within the time stipulated by this Court.

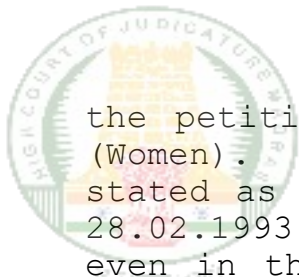
For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

O R D E R

The order of rejection rejecting the claim of the petitioner for retrospective promotion on par with her junior one Smt.T.Ambiga is under challenge in this writ petition. Further direction is sought for to grant notional promotion to the petitioner to the post of Extension Officer (Social Welfare) with effect from 28.11.2006 on par with her junior.

2.The petitioner was appointed as Rural Welfare Officer (Women) on 01.12.1993. She was subsequently promoted to the post of Extension Officer on 22.08.2011. The grievance of the petitioner is that her junior Ambiga was promoted in the year 2006 as Extension Officer. In this regard, the representation submitted by the petitioner reveals that the said Ambiga was promoted as Extension Officer on 28.11.2006, but the petitioner was promoted as Extension Officer on 22.08.2011.

3.In this regard, the learned Special Government Pleader appearing for the respondents relying on the counter affidavit filed by the first respondent, stated that the said Ambiga is senior to



the petitioner even in the initial cadre of Rural Welfare Officer (Women). The date of appointment of the said Ambiga was mistakenly stated as 08.12.1993, but the date of her original appointment was 28.02.1993. Therefore, the said Ambiga is senior to the petitioner even in the feeder category of Rural Welfare Officer (Women). In view of the fact that the said Ambiga was appointed in the feeder post on 28.02.1993, she was promoted to the post of Extension Officer in the year 2006. Therefore, the petitioner is junior to the said Ambiga. In this regard, it is relevant to refer Paragraph No.4 of the counter affidavit filed by the first respondent, which is extracted hereunder:

"4.It is respectfully submitted that the Government of Tamil Nadu was pleased to issue G.O.Ms.No.132 Social Welfare and Nutritious Meal Programme Department dated 02.06.1995 to fix inter-se seniority among Rural Welfare Officer (Women) and the Supervisor Grade 2. Thereafter spate of writ petitions came to be filed culminating in the direction given by the Hon'ble Madras High Court of Judicature in WP No.1479 of 2008, dated 21.01.2008 which paved way for publication of inter-se seniority as well as fixing of pay notionally vide Pro.Roc.4411/Nir 3(4)/2012 dated 23.05.2013. Due to a clerical error, the date of joining of Tmt.Ambiga in the cadre of Rural Welfare Officer (Women) was wrongly given as 08.12.1993, whereas her original date of joining was only 28.02.1993. Keeping vulture's eye several persons sought for promotion on par with the said Tmt.Ambiga which resulted in chaotic situation."

4.The petitioner was allowed to retire from service on 31.07.2016. However, this writ petition was filed in the year 2019 and furthermore, the petitioner has not established that she is senior to the said Ambiga. Contrarily, the petitioner made a comparison with reference to the date of promotion as Extension Officer, which is irrelevant in view of the fact that the said Ambiga became senior in the feeder category of Rural Welfare Officer (Women). Thus, the petitioner has not established that she is senior to Ambiga and accordingly, she is not entitled for the relief as such sought for in this writ petition.

5.Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD I)

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/ /2022

Sub Assistant Registrar(CS)



To:

1.The Commissioner,
Commissionerate of Social Welfare,
Saidapet, Chennai-600 016.

2.The District Social Welfare Officer,
Tirunelveli District, Tirunelveli.

+1 CC to M/s.SPL.GP (SR-17034[F] dated 06/04/2022)

W.P. (MD) No.1811 of 2019

Date:05.04.2022

SA(13.04.2022) 3P 4C