

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27310 of 2022

D.Arumugam

... Petitioner

Vs

The Director of Social Welfare,
Directorate of Social Welfare and
Women Empowerment Department,
Panagal Building, 2nd Floor, Saidapet,
Chennai 600 015.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent i.e., the Director of Social Welfare, Directorate of Social Welfare and Women Empowerment Department, Chennai to issue clarification as sought for by the Personnel Assistant (Noon Meal Scheme) to the District Collector, Tirunelveli from the Director of Social Welfare, Chennai, as per his Na.Ka.No. Gna9/27208/2022, dated 14.10.2022 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondent i.e., the Director of Social Welfare, Directorate of Social Welfare and Women Empowerment Department, Chennai to issue clarification as sought for by the Personnel Assistant (Noon Meal Scheme) to the District Collector, Tirunelveli from the Director of Social Welfare, Chennai, as per his Na.Ka.No. Gna9/27208/2022, dated 14.10.2022 within a specified time frame that may be fixed by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.M.Prakash, learned Additional Government Pleader appearing for the respondent. Perused the materials on record.

4.(i).The petitioner was initially appointed as Noon Meal Organiser and joined duty on 06.05.1983 in the Ganeshamoorthi Middle School, Keelaveerarapuram, Palayamkottai Taluk, Tirunelveli District. On

attaining the age of superannuation, he retired from service on 31.03.2014, vide proceedings, dated 10.04.2014. The petitioner has also received his retirement benefits.

(ii).While he was in service, he was sanctioned with 3% Special increment for completion of 10 years of service and another 3% Special increment for completion of another 10 years of service ie., for totally 20 years of service. However, he was not sanctioned with another Special increment after completion of another 10 years of service ie., 30 years of service, as per G.O.Ms.No.38 of Social Welfare and Nutritious Meal Programme (SW 4-2), Department, dated 30.04.2015.

(iii)The sanctioning of 3% Special increment for completion of first 10 years, second 10 years and third 10 years of service, ie., 10 years, 20 years and 30 years respectively has been clarified by the Commissioner of Social Welfare, Chennai vide letters, dated 28.03.2016 and 23.01.2020. Despite of the same, the Commissioner of Panchayat Union, Palayamkottai has written a letter to the District Collector, Tirunelveli seeking clarification.

(iv)Consequently, the District Collector, Tirunelveli has also sought for clarification from the Director, Social Welfare, Chennai regarding sanction of Special Increment on completion of 30 years as per letters, dated

11.10.2022 and 14.10.2022 respectively, without reference to the earlier clarifications. Hence, this writ petition came to be filed.

5.The learned Additional Government Pleader submits that this writ petition itself is not maintainable, since the relief sought for by the petitioner has emanated from an internal communication between the Personal Assistant to the District Collector, Tirunelveli and the respondent.

6.However, the learned counsel for the petitioner submitted that the copy of the said letter, dated 14.10.2022 has been marked to the petitioner, as a result of which, the petitioner is entitled to seek clarification.

7.Accepting the said observation, this Court hereby directs the respondent to issue clarification, as sought for by the Personnel Assistant (Noon Meal Scheme) to the District Collector, Tirunelveli in his proceedings No. Na.Ka.No. Gna9/27208/2022, dated 14.10.2022, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

04.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

PNM

To

The Director of Social Welfare,
Directorate of Social Welfare and
Women Empowerment Department,
Panagal Building, 2nd Floor, Saidapet,
Chennai 600 015.

L.VICTORIA GOWRI, J.

PNM

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W.P.(MD).No.27310 of 2022

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