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W.P.No.27741 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.27741 of 2012

C.Tamilarasi

... Petitioner

Vs.

- 1.The Secretary to Government,
Social Welfare & Noon-Meal Department,
Fort St.George, Chennai – 9.
 - 2.The Principal Secretary and Special Commissioner
Integrated Child Development Services,
Pammal Nallathambi St, Tharamani,
Chennai – 611 003.
 - 3.The Director/Commissioner
Municipal Administration & Water
Supply Department,
Chepauk, Chennai – 5.
 - 4.The Executive Officer,
Bhavani Sagar Town Panchayat,
Bhavani Sagar,
Erode District.
 - 5.The District Collector,
Erode District.
- Respondents

...

Writ Petition has been filed under Article 226 of Constitution of India



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to issue a Writ of Mandamus directing the respondents to sanction pensionary benefits to the petitioner for having rendered service as a Child Welfare Organizer of a period of 26 years from 1982 to 2006 within a reasonable time.

For Petitioner : Mr.K.Venkatramani,
Senior Counsel

For Respondents : Mr.N.Senthil Selvi,
Government Advocate

ORDER

This writ petition has been filed by the petitioner to directing the respondents to sanction pensionary benefits to the petitioner for having rendered service as a Child Welfare Organizer of a period of 26 years from 1982 to 2006 within a reasonable time.

2. Learned senior counsel for the petitioner would submit that the petitioner has studied upto 11th standard and appointed as Child Welfare Organizer by the proceedings of the District Social Welfare Officer in Proc.No.ROC.No.4061/B1 dated 30.08.1982 on a consolidated honorarium of Rs.175/- per month in the Bhavanisagar Municipality. Since the



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Bhavanisagar Municipality was downgraded as Bhavanisagar Town Panchayat, the Child Welfare Centre functioning at Coolies Line at Bhavanisagar Municipality was closed and the petitioner was rendered jobless. Hence, she has made representations before the respondents for absorbing her as child welfare organizer in any one of the child welfare centres in Erode District, based on the services rendered for the last 26 years.

2.1. Subsequently, the Child Welfare Centre at Cooliesline started functioning at Bhavanisagar Town Panchayat, instead of absorbing the petitioner as Child Welfare Organizer, the Chairman of the Town Panchayat Mr.Veluswamy appointed his wife Dhanalakshmi as Child Welfare Organizer and she is functioning till date. Therefore, she has made several representations before the concerned authority to absorb her as Child Welfare Organizer, but there was no response and she has attained the age of superannuation on Feb 2012.

3. Learned senior counsel for the petitioner would further submit that the petitioner was appointed on consolidated pay of Rs.175/- p.m. at the time of initial appointment. Subsequently, the pay was revised from time to time



and his last drawn salary was Rs.1542/- p.m. as per the circular issued by the Executive Officer, Bhavanisagar Town Panchayat dated 29.10.2007 and very recently, the Government has also ordered that all the Child Welfare Organizer services have been regularized by bringing them into the Government time scale of pay. For the services rendered for the last 26 years from 1982-2008, the petitioner is entitled to be regularized by bringing her into regular time scale of pay and also entitled to get all the pensionary benefits including minimum pension announced by the Government.

4. Learned senior counsel for the petitioner would further submit that the petitioner has made number of representations before the respondents, for which there was no response. Finally, the petitioner has made a representation dated 24.03.2010 before the first respondent and by way of communication dated 25.10.2010, the first respondent has issued an order directing the Bhavanisagar Town Panchayat to give her a job as anganwadi worker, however, the same was not complied on the ground that the petitioner has crossed the upper age limit and has reached the age of superannuation. Mentioning all these details, the petitioner has sent another representation dated 28.08.2012 to all the respondents, but so far as, no orders have been



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passed. Hence, the petitioner has come forward with the present writ petition seeking pensionary benefits for the services rendered by her as a child welfare organizer in the Bavanisagar Municipality for over a period of 26 years.

5. Learned senior counsel for the petitioner would further submit though very many grounds have been raised in this writ petition, it would suffice if this Court issues direction to the first respondent to consider the petitioner's representation dated 28.08.2012 and pass appropriate orders within a time frame to be fixed by this Court.

6. Learned Government Advocate appearing for the respondents has no objection for the said order being passed by this Court.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 28.08.2012 and pass



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appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. This writ petition is disposed of with the aforesaid observation and direction. No costs.

12.02.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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4.The Executive Officer,
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J.SATHYA NARAYANA PRASAD,J.

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