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W.P.No.3221 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.3221 of 2015

V.Manonmani

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Social Welfare and Nutritious Meal Department,
Secretariat, Chennai-9.

2.The Director,
Social Welfare Department,
Chindadripet, Chennai-2.

3.The District Project Officer,
Integrated Child Development Scheme,
Salem District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records relating to proceedings of the 3rd respondent in Na.Ka.459/A1/2013 dated 16.10.2014, quash the same, further



directing the respondents to pay all monetary benefits and attendant benefits in the cadre of Supervisor Grade-1 with effect from 28.11.2006 which is the date of promotion, within a stipulated period as fixed by this Honourable Court.

For Petitioner : M/s.R.Ezhilarasan

For Respondents :
(for R1 to R3) : Mr.Alagu Goutham, Govt. Advocate

ORDER

Challenging the order of the 3rd respondent dated 16.10.2014 refusing to pay all the monetary and attendant benefits to the petitioner in the cadre of Supervisor Grade I with effect from 28.11.2006, the Writ petitioner is before this Court.

2. The petitioner would contend that she had been appointed as a Child Development Officer on 17.03.1977 and after her services were regularised she had been promoted as a Supervisor Grade-2 on 01.04.1992. Thereafter, she had passed the Departmental Test, namely, District Office Manual Test and Gram Sevaks Grade -I and II



part – B held in May 1994. Thereafter, she has also passed Gram Sevaks Grade I & II part A and C Test held in May 1995 and all of which had been entered into her service book on 03.07.1998.

3.The petitioner would submit that on 28.11.2006, the 2nd respondent had promoted some of her juniors to the cadre of Supervisor Grade-1/Child Development Project Supervisor/Social Welfare Development Officer totalling ignoring the petitioner who was senior to them. This promotion was objected to and ultimately the petitioner was promoted to the cadre of Supervisor Grade-1 only on 15.10.2010 though she was eligible for promotion on 28.11.2006 itself.

4. Thereafter, the 2nd respondent after considering the opposition to the said promotion had refixed the Inter-se Seniority list and decided to notionally promote the petitioner with effect from 28.11.2006. However, she was entitled to all the monetary benefits, but only notional increments were granted.



5. The petitioner would submit that she is entitled to get all the monetary benefits from the date of promotion i.e; 28.11.2006 like all her juniors. The petitioner had attained the age of superannuation on 28.06.2013. It is her contention that she had come to know about the revision of the Inter-se Seniority list and her promotion being granted with effect from 28.11.2006 only after she had attained superannuation. Therefore, she had sent a representation dated 02.12.2013 to the 2nd respondent to grant her all the monetary benefits payable to her with effect from 28.11.2006. The same was not considered constraining the petitioner to file W.P.No.1625 of 2014. This Court had disposed of the said Writ Petition directing the 2nd respondent to consider the representation and pass orders on merits and in accordance with law. However, the 2nd respondent has not passed any orders as directed by this Court in W.P.No.1625 of 2015. Aggrieved by the same, the petitioner had filed a Contempt Petition No.2666 of 2014. Pursuant to the order of this Court passed in the Contempt Petition, the 3rd respondent had considered the petitioner's representation and passed the impugned order. Challenging the same, the petitioner is before this Court.



6. A counter has been filed in which the only defense that has been put forward by the 3rd respondent is that the petitioner has been granted promotion by refixing the Inter-se Seniority in a common order passed by the 2nd respondent dated 23.05.2013 and if the petitioner is granted the relief claimed, the others who have retired from services may also seek the relief which would cause monetary loss to the respondents. The defense taken by the 3rd respondent is totally absurd.

7. Admittedly, the petitioner was eligible for promotion even as on 28.11.2006 and despite which the respondents have chosen to promote her juniors. Thereafter, recognising the mistake the 2nd respondent has itself refixed the seniority by acknowledging that the petitioner was senior. Once, the seniority has been refixed the respondents ought to have given the petitioner all the benefits that are due to her from the date of her being promoted. It does not lie in the mouth of the respondents to contend that the relief claimed cannot be granted as it would cause monetary loss to the respondents, particularly when the mistake has been caused by the respondents.



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8. In view of the above, the impugned order passed by the 3rd respondent dated 16.10.2014 is quashed and the Writ Petition is allowed as prayed for. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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P.T. ASHA. J.,

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