



WEB COPY

W.P.No.15346 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.15346 of 2021 and
W.M.P.Nos.16232 & 16233 of 2021

R.Nalinarani

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by The Principal Secretary to Government,
Social Welfare and Women Empowerment Department,
(Formerly known as Social Welfare & Nutritious Meal
Programme Department)
Fort St. George,
Chennai – 600 009.

2. The Director,
Directorate of Social Welfare,
Panagalmaligai, 2nd floor,
Saidapet,
Chennai – 600 015.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings G.O.(3pa) No.3 dated 18.09.2020 Social Welfare & Nutritious Meal Programme (SW1) Department issued by the first respondent and quash the same as far as not following the Adhoc Service Rules and quota rota in fixing the ration between the Direct recruitment and Promotion in the



cadre of Assistant Director and consequently to direct the respondents to appoint the petitioner in the cadre of Assistant Director as per the Adhoc Rules maintaining the quota for the promotees from among the CDPOs.

For Petitioner : Mr.U.Karunakaran
For Respondents : Mr.R.U.Dinesh Rajkumar,
AGP for R1 & R2

ORDER

This Writ Petition has been filed for quashment of G.O.(3Pa) No.3 dated 18.09.2020 Social Welfare & Nutritious Meal Programme (SW1) Department issued by the first respondent. Further a direction to the respondents to appoint the petitioner in the cadre of Assistant Director as per the Adhoc Rules maintaining the quota for the promotees from among the CDPOs.

2.The part of the petitioner's prayer has already been granted. In view of the issuance of G.O.(3pa) No.5 Social Welfare and Women Empowerment Department (SW1) dated 24.03.2022, the petitioner was appointed as Assistant Director, which has been a segment of the prayer sought for by the petitioner in the present Writ Petition.



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

4. The case of the petitioner herein is similar to that of the dispute which arose in a batch of Writ Petitions in W.P.No.15407 of 2021 batch (*Anbarasi Vs. The State of Tamil Nadu rep by the Principal Secretary to Government, Social Welfare and Women Empowerment Department*). In the said Writ Petitions, this Court has passed the following order:

6. However the petitioners have raised a reasonable grievance that whenever the vacancies arises for direct recruits, they are recruited and they are placed in the seniority list en masse above the promotees and that obstructs the opportunities for the promotees to be elevated to the next position in their career. When a proportion is fixed and roster points are given, it is obligatory on the part of the respondents to place the direct recruits and the promotees only in accordance with 100 point roster which is being followed. However the roster is not available before the Court for a better appreciation. But only if the respondents could do the direct recruitment, recruitment by transfer and promotion as against the respective quota each year, such contingencies can be avoided. The delay caused in recruiting the direct recruits creates a situation where the promotees need to be promoted on adhoc basis to execute the



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functions of the higher part and later gets reverted when direct recruits are recruited as against their allotted quota.

7. In view of the above reasons, the petitioners are at liberty to make a representation to the respondents and request the respondents to consider their placement as against the roster points fixed for each category as per the rules enforced in this regard and on receipt of the same, the respondents shall consider and pass orders in accordance with the rules of seniority governing the petitioners.

8. Thus, these Writ Petitions are disposed. No costs. Connected miscellaneous petitions are closed.”

5. The subject matter in issue is also similar to that of the earlier batch of Writ Petitions filed in W.P.No.15407 of 2021 batch, in which the aforesaid order has been passed. Since the petitioner is also similarly placed as that of the petitioners in W.P.No.15407 of 2021 batch, his case would also have the similar line of appreciation involved in the above Writ Petitions. Hence, he is also entitled to the same relief as already granted to the other similarly placed persons in the earlier judicial order.

6. In the light of the order passed by this Court in the Writ Petitions as stated supra, this Writ Petition is disposed of . The petitioner is at liberty to



make a representation to the respondents, to consider his placement as against the roster points fixed for each category as per the rules enforced in this regard and on receipt of the same, the respondents shall consider and pass appropriate orders in accordance with the rules of seniority governing the petitioner. No costs. Consequently, connected Miscellaneous Petitions are also closed.

08.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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