



W.P.(MD).No.7426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7426 of 2024

K.Rajalakshmi

...Petitioner

Vs.

1.The Director of Children Welfare
and Special Services,
(Previously Designated as
Director of Social Defence),
No.300, Purasaivakkam,
Kellys, Chennai-600 010.

2.The Superintendent,
Annai Sathya Ammaiyar Memorial
Government Children Home,
Dr.Thangaraj Salai,
K.K.Nagar, Madurai-625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent i.e., the Director of Children Welfare and Special Services, Chennai to pass appropriate orders on the proposals sent by the Superintendent, Annai Sathya Ammaiyar Memorial Government Children Home, Madurai in his letter R.C.No.034/2024 dated 02.02.2024 regarding maternity period from



W.P.(MD).No.7426 of 2024

07.11.2022 to 06.11.2023 as per the provisions contained under Section 12 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and orders passed in W.P.(MD)No.22994 of 2015 dated 21.12.2015, W.P.No.19426 of 2016 dated 05.01.2022 and in W.P.No.15344 of 2023 dated 15.06.2023, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

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

2. The present writ petition has been filed seeking direction to the 1st respondent to pass appropriate orders on the proposals sent by the Superintendent, Annai Sathya Ammaiyar Memorial Government Children Home, Madurai in his letter dated 02.02.2024.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



W.P.(MD).No.7426 of 2024

WEB COPY

The petitioner was selected through TNPSC Group-IV Examination in the year 2019-2020 and joined duty as Typist in the office of the Annai Sathya Ammaiyar Memorial Government Children Home, Madurai. The petitioner's service was regularized in the cadre of Typist with effect from 25.01.2021 i.e., from the date of joining by the proceedings of the then Director of Social Defence, Chennai in his proceedings dated 06.03.2023. The petitioner was on maternity leave for the period from 07.11.2022 to 06.11.2023. As a result of which, her probation was not declared and the same is against the provisions under Section 12 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The seniority list of Typists as on 01.01.2023 was published, as per letter dated 10.03.2023 and 05.10.2023 by the then Director of Social Defence, Chennai, wherein the petitioner was placed in serial No.8. However, in the integrated seniority list of Typists and Junior Assistants published on 07.08.2023 by the proceedings dated 09.10.2023 and 11.11.2023, the petitioner's name has been left over. On the basis of the said integrated seniority list, the petitioner's juniors have been promoted as Assistant as per proceedings dated 08.01.2024 by the then Director of Social Defence, Chennai. Hence, the petitioner had given a representation dated 22.01.2024 to the then



W.P.(MD).No.7426 of 2024

WEB COPY

Director of Social Defence, Chennai through proper channel for declaration of her probation by considering the maternity period as service period. The petitioner's representation has been sent to the then Director of Social Defence, Chennai by the Superintendent, Annai Sathya Ammaiyar Memorial Government Children Home, Madurai, vide letter dated 02.02.2024 for passing appropriate orders. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



W.P.(MD).No.7426 of 2024

WEB COPY

6. Without going into the merits of this case, this Court hereby direct the 1st respondent to pass appropriate orders in accordance with law on the proposals sent by the Superintendent, Annai Sathya Ammaiyar Memorial Government Children Home, Madurai in his letter dated 02.02.2024, within a period of twelve (12) weeks from the date of receipt of a copy of this order

7. Accordingly, this Writ Petition stands disposed of. No costs.

26.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Director of Children Welfare
and Special Services,
(Previously Designated as
Director of Social Defence),
No.300, Purasaivakkam,
Kellys, Chennai-600 010.

2.The Superintendent,
Annai Sathya Ammaiyar Memorial
Government,
Children Home,
Dr.Thangaraj Salai,
K.K.Nagar, Madurai-625 020.



WEB COPY



W.P.(MD).No.7426 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.7426 of 2024

26.03.2024