



W.A.(MD).No.859 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD).No.859 of 2018

S.Sulochana Bai

... Appellant / Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare Department,
(Child Welfare),
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Kanyakumari District at
Nagercoil.

3.The District Planning Officer,
Integrated Child Development Planning Office,
Nagercoil,
Kanyakumari District.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order dated 23.02.2018 passed by the learned Single Judge in W.P.(MD).No.10334 of 2013.



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For Appellant : Mr.AM.B.Mathubalan
for M/s.J.Anandhavalli

For Respondents : Mr.A.Kannan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This Writ Appeal has been filed by the writ petitioner challenging the order of the learned Single Judge dated 23.02.2018 passed in W.P.(MD).No. 10334 of 2013, dismissing the Writ Petition seeking to direct the respondents to regularise the services of the writ petitioner and grant all other monetary and service benefits.

2. It is the case of the writ petitioner that she was employed as Anganwadi worker in Mudakkadu Village in Thuckalay Panchayat Union from 1982 onwards and that she was receiving the consolidated pay and had served for more than 31 years. The grievance of the writ petitioner is that she had served for a considerable length of time and despite the same, her services were not regularised and thereby, she is unable to get any of the terminal and pensionary benefits. Hence, she has approached this Court by filing a Writ Petition seeking regularisation of her services.



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3. The learned Single Judge found that at the time of filing the Writ Petition, the writ petitioner was aged about 59 years and at the time of disposal of the Writ Petition, she would have been around 64 years and that the Writ Petition itself was filed by her after attaining the age of superannuation. It was held that the writ petitioner was allowed to continue and she was receiving the time scale of pay fixed by the Government and that she was also receiving the special allowance and the special pension granted to the Anganwadi employees. The learned Single Judge, finding that the writ petitioner was not in full time employment and she cannot seek the benefit of regularisation, had dismissed the Writ Petition. Challenging the same, the present Writ Appeal has been filed by the appellant/writ petitioner.

4. The learned counsel for the appellant would submit that the appellant has served for more than 31 years and that having worked for a considerable length of time, she is entitled for regularisation of her services. Since the respondents have not regularised her services, she is unable to get any of the terminal and pensionary benefits. He would further submit that as per the Government Order passed in G.O.Ms.No.22, Personnel and



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Administrative Reforms (F) Department, dated 28.02.2006, the service of the temporary employees have been regularised. Since the appellant was drawing a salary in the time scale of pay of Rs.2500 – 5000 + GP 500 at the time of retirement and that the appellant was initially paid a monthly pension of Rs.700/-, which has been enhanced to Rs.1000/- as special pension for every month, she is also entitled to the benefits attached to the post of Anganwadi employees and the learned counsel would seek to set aside the order of the learned Single Judge.

5. The respondents have filed a counter. The relevant paragraphs of the counter are extracted hereunder:

“3. It is respectfully submitted that the Petitioner herein was originally appointed as temporary part time Child Welfare Organizer by the Panchayat Union Commissioner vide Pro. Roc.No.A5/1898/82 dated 26.6.1982 at Muttakadu, Thkkalai Panchayat Union on monthly honorarium of Rs.60/- She joined duty on 01.07.1982 per month which was increased to Rs.250/- per month from the year 1988 onwards. The Nutritious Meal Organizers, Child Welfare Organizers and Anganwadi Workers were brought under non-standardized time scale of Rs.40-110 per month as per G.O.Ms.No.2 Social Welfare and Nutritious Meal Programme Department dated



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03.01.1996 on the basis of the policy decision taken by the Government of Tamil Nadu, but the time scale does not relate to sanctioned posts under the Government of Tamil Nadu but only under 'scheme'. In-fact the Government of Tamil Nadu with a view to bring such non-provinciolized employees into regular stream took a policy decision to transfer such employees to various departments such as Rural Development and Panchayat Raj, School Education Department depending upon the educational qualification. In-fact the Teachers' Recruitment Board conducted special test for Anganwadi workers possessing B.Ed. qualification for selecting them as teachers. The Appellant herein did not qualify in the special test. She had also attended interview for the post of Junior Assistant without obtaining permission from the employer. She was also not selected.

4. It is respectfully submitted that the Appellant herein was drawing special time scale of pay of Rs.2500-5000+GP 500 at the time of her attaining the age of superannuation. She was also sanctioned and paid Rs.50,000/- as lump sum allowance at the time of retirement and she is also receiving special pension every month."

6. The learned Additional Government Pleader appearing for the respondents would submit that the appellant was originally appointed as



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temporary part time Child Welfare Organizer by the Panchayat Union Commissioner, Muttakadu, Thukkalay Panchayat Union on monthly honorarium of Rs.60/- on 01.07.1982 and she was drawing a salary of Rs.60/- per month, which was later increased to Rs.250/- per month. The Nutritious Meal Organizers, Child Welfare Organizers and Anganwadi workers were brought under the non-standardized time scale of Rs.40-110 per month as per G.O.Ms.No.2 Social Welfare and Nutritious Meal Programme Department dated 03.01.1996 on the basis of the policy decision taken by the Government of Tamil Nadu. But the time scale does not relate to sanctioned posts under the Government of Tamil Nadu and their posts will only fall under a Scheme. Hence, the appellant is not entitled to seek regularisation of her services and the learned Single Judge had rightly dismissed the Writ Petition.

7. Heard the learned counsels and perused the materials available on record.

8. The appellant herein was drawing special time scale of pay of Rs.2500-5000+GP 500. Further, at the time of retirement, she had been paid



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a lump sum of Rs.50,000/- and she is also receiving a monthly special pension of Rs.700/- and which is now increased to Rs.2000/- as on date.

The learned Single Judge finding that the appellant was employed under a Scheme on consolidated pay and not on any sanctioned post and she was allowed to continue and was receiving the time scale of pay fixed by the Government and that the special allowance and the special pension are already granted to the appellant, had rightly dismissed the Writ Petition. We do not find any reasons to interfere with the order of the learned Single Judge.

9. Accordingly, the Writ Appeal stands dismissed and the order of the learned Single Judge passed in W.P.(MD).No.10334 of 2013 dated 23.02.2018 stands confirmed. There shall be no order as to costs.

(A.D.J.C.,J.) (K.R.S.,J.)
01.07.2024

NCC : Yes / No
Index : Yes / No
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To

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(Child Welfare),
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