



W.P.No.856 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N. MALA

Writ Petition No.856 of 2022
and W.M.P.No.935 of 2022

Puducherry Anganwadi Staff Association,
Represented by its Secretary, G.Dhatchayani,
having office at No.7-B, Movvendhar Street,
Mullai Nagar, Orleanpet, Puducherry - 605 005.

... Petitioner

Vs.

1. The Secretary to the Government of Puducherry,
Women and Child Development Department,
Puducherry.
2. The Managing Director,
Puducherry Corporation for the Development
of Women and Differently Abled Persons Limited,
No.1, 2nd Main Road, Natesan Nagar,
Puducherry - 600 005.
3. The Labour Officer (Conciliation),
No.15, First Floor, Nehru Nagar,
Puducherry - 605 011.

... Respondents



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PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to maintain status quo ante with regard to the filling up of the post of Women Development Coordinator and Women Development Helper in the second respondent Corporation on which conciliation proceedings were initiated by the third respondent on 28.12.2020.

For Petitioner : Mr.P. Mohan Raj

For Respondents : No appearance

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ORDER

The present Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to maintain status quo ante with regard to the filling up of the post of Women Development Coordinator and Women Development Helper in the second respondent Corporation, on which conciliation proceedings were initiated by the third respondent on 28.12.2020.

2. The petitioner states that it is a Registered Association and represents various employees working under the Women and Child Development Department in Puducherry. The petitioner demanded that



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while filling up the regular vacancies of the Women Development Coordinator and Helper, 75% of the vacancies should be filled by way of absorption of Honorary Anganwadi workers and 25% by promotion of Women Development Helpers, who passed S.S.L.C and who had put in three years of service. The petitioner additionally demanded for 100% absorption of Honorary Helpers with three years of service.

3. The petitioner further states that though the second respondent Corporation, in its 67th Board Meeting passed a resolution providing for 25% reservation for promotion of helpers and decided to implement it by amending the Recruitment Rules and by getting approval from the Government of Puducherry, nothing was done to execute the same despite repeated demands of the petitioner.

4. The petitioner further states that aggrieved by the inaction of the second respondent, the petitioner Association raised a dispute before the Labour Officer (Conciliation), Puducherry, on 21.12.2020 and thereafter, the Labour Officer, initiated the conciliation proceedings on 28.12.2020. The petitioner states that pending conciliation proceedings, the second respondent proceeded to fill up the vacancies in the second respondent



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Corporation, and therefore, the petitioner submitted a detailed representation to the first respondent on 11.10.2021, bringing to the notice of the first respondent the illegal and unlawful manner in which the genuine grievances of the employees were not addressed by the second respondent. However, as no action was taken by the first respondent, the petitioner filed the present Writ Petition.

5. The learned counsel for the petitioner submitted that the main demand of the petitioner Association was that regular vacancies of the Women Development Coordinator and Helper should be filled by absorbing 75% of Honorary Anganwadi workers and by promoting 25% Women Development Helpers.

6. The learned counsel for the petitioner submitted that the main demand of the petitioner Association was addressed by the respondents in paragraph Nos. 20 and 21 of the counter affidavit, which may be recorded.

In the counter affidavit, the respondents have stated as follows:-



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"20. I humbly submit that on 07.12.2006 in State of Karnataka & Ors vs Ameerbi & Ors, the Hon'ble Supreme Court has held that the Anganwadi Workers / Helpers who are engaged for the purpose of the scheme are not person holding civil post and that they are not covered under definition of workman under Section 2(s) of the Industrial Dispute Act. However, the 2nd respondent has also informed the fact that the amended Recruitment Rules to the Labour Officer (Conciliation), Government of Puducherry vide Letter No.12/PCDW&DAP/2020-2021, dated 06.12.2021 along with the copy of the amended Recruitment Rules for the post of Women Development Multipurpose Coordinator and also informed that the action is being taken to fill up the existing vacancies as per the amended Recruitment Rules viz., 75% absorption and 25% promotion vide Lettter No.12/PCDW&DAP/2020-2021, dated 24.01.2022.

21. I humbly submit that this respondent had already taken necessary steps and has obtained principal approval from the Competent Authority and collecting the required details from the Department of Women and Child Development to fill up the vacant posts of Women Development Multipurpose Coordinators as per the amended Recruitment Rules. i.e., the promotion to the 25% of Women Development Multipurpose Helpers to the post of Women Development Multipurpose Coordinators as resolved in the 80th Meeting of the Board of Directors held on 08.10.2021."



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17.04.2025

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To

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N. MALA, J.

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