



WEB COPY



W.P.No.16215 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.16215 of 2020
and W.M.P.No.20247 of 2020

- 1.S.Vimala
- 2.B.Gunavathy
- 3.V.Latha
- 4.S.Rasathi
- 5.Anjalakshi
- 6.M.Thilagavathi
- 7.M.Devaki
- 8.J.Sumathi
- 9.K.Maragathamani
- 10.S.Kavunji
- 11.S.Chamundeeswari
- 12.K.Manjula
- 13.D.Nirmala
- 14.E.Mahalakshmi
- 15.D.Vennila

... Petitioners

VS.

- 1.The Government of Tamil Nadu rep.by
the Secretary to the Government,
Social Welfare and Nutritious Meal Programme,
Department, Fort St.George,
Chennai 6000 009.
2. The Commissioner of Social Welfare,
Chepauk, Chennai 600 015.



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3. The Collector,
Cuddalore, Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in G.O.Ms.No.28, Social Welfare and Nutritious Meal (Sa.Na.4-2) Department, dated 05.09.2020 and quash the same in so far as it does not make any provision for promotion of Cook Assistants to Cooks in accordance with G.O.Ms.No.3, Social Welfare and Nutritious Meal Programme(SW4-2) Department dated 07.01.2016 and G.O.Ms.No.125, Social Welfare Department dated 04.09.2008 and direct the first respondent to promote them as Cooks.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.M.Rajendiran
Addl.Govt.Pleader

ORDER

The present writ petition has been filed challenging the impugned order dated 05.09.2020 passed by the first respondent and quash the same and for a direction to the first respondent to promote the petitioners as Cooks.



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2. The case of the petitioners is that they are working as Cook Assistants in the Noon Meal Centres, Cuddalore District in various places. If fresh appointment is made to the post of Cook, the person who is already working as Cook Assistant for several years will draw less pay than the fresh appointee. In fact, the Government of Tamil Nadu took a policy decision to promote the eligible Cook Assistants to the post of Cook and issued orders in G.O.Ms.No.125, Social Welfare Department dated 04.09.2008 permitting the District Collectors to promote the Cook Assistants to the post of Cook subject to the conditions that the concerned individuals should have worked as Cook Assistants for 5 years and should know cooking and have worked as Cook Assistants for 5 years and should know cooking and should reside within 10 kms of the Noon Meal Centre. Again, in the year 2010, the Government issued another G.O.Ms.No.163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010 directing that while filling up vacancies remaining after promotion in the post of Cook by direct recruitment, 25% of such vacancies were promoted to the post of Cook following the aforesaid Government orders. No provision was made for promotion of Cook Assistants to the post of Cook in the vacancies as per G.O.Ms.No.72,



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Social Welfare and Nutritious Meal Program (Sa.U.Thi.) Department dated 30.04.2012 and all the vacancies were sought to be filled up by direct recruitment. Thereafter, similarly placed persons filed a batch of Writ petitions in W.P.Nos.22255 of 2012 etc. This Court by an order dated 23.08.2012 directing the Appointing Authorities throughout the State to consider the case of the petitioners and all other Cook Assistants for the purpose of promotion provided they satisfy the requirement of the aforesaid G.O.Ms.No.125 and after giving promotion to such eligible Cook Assistants as Cooks as against the existing vacancies the remaining vacancies shall be filled up by means of direct recruitment as stated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010. Aggrieved by the order of batch of writ petition in W.P.No.22255 of 2012 etc, the Government filed W.A.No.1402 of 2013 and the same was set disposed on 13.12.2018 and the impugned order was set aside. Whiles, the Government has now issued orders in G.O.Ms.No.28, Social Welfare and Nutritious Meal (Sa.Na.4-2) Department dated 5.9.2020, constituting selection committees for filling up the vacancies by conducting interviews. All the vacancies are sought to be filled up by direct recruitment. Following the said G.O., the



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District Collectors have called for applications from the eligible candidates for direct appointment to fill up the posts of Noon Meal organises, Cooks and Cook Assistants. Aggrieved by the impugned order, the petitioners have filed with the present writ petition before this Court.

3. The learned counsel for the petitioners submitted that there are totally 15 petitioners in the writ petitions and some of them were appointed, pending this writ petition. In this regard, this Court by an order dated 18.12.2024 directed the Government Advocate to verify and get instructions in regard to queries by way of written instructions stating that how many petitioners were promoted and how many petitioners are yet to get promotions and when they will get the same. The learned Additional Government Advocate answered that 14 persons were promoted out of 15 persons.

4. The learned Additional Government Pleader for the respondents on written instructions dated 25.01.2025 of Personal Assistants to the District Collector, Cuddalore District (Noon Meal) would submit that 14 petitioners were promoted out of 15 persons, only one petitioner who is



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yet to be promoted is Tmt.K.Manjula. He further submitted that the aforesaid petitioner will also be promoted to the post of Cook when the vacancies arise in future, preferably within six months.

5. Heard the leaned counsel on either side and also perused the materials available on record.

6. In view of the above submissions made by the learned Additional Government Pleader appearing for the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

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Social Welfare and Nutritious Meal Programme,
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2. The Commissioner of Social Welfare,
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J.SATHYA NARAYANA PRASAD, J.

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