Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

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THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WP No. 5912 of 2011

CNR:{HCMA010316612011}

S.Vijayalakshmi,
Supervisor Grade I (retired), No.9, Harikrishna Colony, Nandhampakkam, Chennai-89.

..Petitioner

Vs

1. The Principal Secretary to Government,
   Social Welfare and Nutritions Meal Programme, Fort St. George, Chennai-9.

2. The Commissioner,
   Social Welfare Department,
   Chepauk, Chennai-600 005.

3. R.Kamalam,
   The Child Development Project Officer,
   Virudhunagar.

..Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to promote the petitioner to the Post of Child Development Project Officer based on the Inter-se Seniority List dt.26.2.2010 and grant all attendant benefits with effect from the date of promotion of her junior.

For Petitioner: M/s.A.Arulmozhi

For Respondents: C.P.Goutham, Government Advocate

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The prayer in the Writ Petition is to direct the first and second respondents to promote the petitioner to the post of Child Development Project

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Officer based on the interse Seniority List dt.26.02.2010 and grant all attendant benefits with effect from the date of promotion to her junior.

2 It is the case of the writ petitioner that she was originally appointed as Grade-II Supervisor on 18.05.1984 in the "Integrated Nutrition Project" under the Social Welfare Department and thereafter she was promoted as Supervisor Gr-I on 09.01.2008 and retired from service on 31.10.2009 in the same grade. It is the further case of the writ petitioner that the next avenue of promotion to the Grade-II posts are (i) Supervisor Grade-I, (ii) Extension Officer (SW), (iii) Guidance Bureau Officer and Mobile Team Instructrees. Even though the petitioner and many other Grade-II cadre employees were due to be promoted to Grade-I post, for nearly 25 years, they were not promoted in time. The reason for the denial of promotion to the incumbents appointed in the years 1981, 1982 and 1983 was the non-drafting of seniority list and preparation of year wise panel of the Grade-II cadre until the year 2008.

2.1 It is the further case of the writ petitioner that the seniors were waiting for their promotion, but some of the junior members were promoted to Grade-I post and the third respondent is one such junior, who got promoted on 09.03.1998 as Extension Officer (SW). Since the petitioner's promotion was denied, the petitioner made a representation dated 25.09.2007 to the second respondent and approached this Court by way of W.P.No.1479 of 2008 for

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disposal of said representation. The writ petition was disposed of on 21.01.2008 directing the respondent therein to consider and pass orders in the petitioner's representation. Despite the order of this Court, there was no subsequent order passed by the respondent in the representation sent by the writ petitioner. Thereafter, a panel was prepared and in the said panel, the petitioner's name was shown in Sl.No.1275, while the third respondent's name was in Sl.No.1636. However the third respondent, who is much junior to the writ petitioner was promoted on 09.03.1998. Hence the writ petitioner approached this Court for mandamus directing the respondent to promote the writ petitioner to the post of Child Development Project Officer based on the inter-se seniority list dated 26.02.2010.

3 The Government Advocate for the respondents 1 and 2 submitted that there is no violation in the preparation of seniority list dated 26.02.2010 and based upon the merits of the third respondent, she was promoted to Extension Officer (SW) post and the petitioner cannot question the same merely because of seniority and prayed for dismissal of the writ petition.

4 Heard the counsel for the petitioner and the Government Advocate for the respondents 1 and 2.

5 The petitioner attained superannuation on 31.10.2009. The writ petitioner got promotion as Supervisor Gr-I on 09.01.2008, however the third respondent promoted as Extension Officer (SW) on 09.03.1998. There is no

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dispute that the third respondent is much junior to the writ petitioner and the official respondent has not given any valid reason for overlooking the seniority of the writ petitioner. There is no proper reason given by the respondent, in view of the fact that the writ petitioner is far senior to the third respondent. The third respondent having promoted on 09.03.1998, the writ petitioner, who is much senior to the third respondent, is also entitled for notional promotion from 09.03.1998.

6 In view of the above, since the petitioner has already attained superannuation, this Court directs the official respondents to fix the promotion to the petitioner as Gr-I Supervisor w.e.f.09.03.1998 on par with the third respondent for the purpose of pensionary benefits. This Court makes it clear that the writ petitioner is not entitled for the monetary benefits since she had attained superannuation and the notional promotion is granted solely for the purpose of pensionary benefits.

7 With these observations and directions, the writ petition stands disposed of. No costs.

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Index: Yes
Speaking order
Neutral Citation: Yes/No

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To

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   Social Welfare and Nutritions Meal Programme,
   Fort St. George, Chennai-9.

2. The Commissioner,
   Social Welfare Department,
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KRISHNASWAMY GOVINDARAJAN J.

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