



WP(MD). Nos.10537, 11545 and 19406 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). Nos.10537, 11545 and 19406 of 2024
and WMP(MD)Nos.9451,10292 and 16463 of 2024

In WP(MD)No.10537 of 2024:

1. K.Murugan
2. S.Mariappan
3. M.Marimuthu
4. K.Vasanthi
5. S.Anantha Ganesan
6. M.Danesh Kumar
7. K.Deivendran
8. K.Sankar
9. M.Sakthivel
10. M.Selvi
11. P.Rathinakumar
12. N.Asaithambi
13. K.Kaliyamoorthy
14. K.Subramaniam
15. J.Baskaran
16. S.Manjula
17. P.Gunaselvi
18. R.Gowri
19. Kannagi
20. N.Sumathi
21. A.Ilayaraja
22. S.Murugesan
23. G.Tamilarasan

... Petitioners



WP(MD). Nos.10537, 11545 and 19406 of 2024

Vs

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1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-9.
 2. Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai-600 005.
 3. The District Adi Dravidar and Tribal Welfare Officer,
Tenkasi District, Tenkasi.
 4. The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli.
 5. The District Adi Dravidar and Tribal Welfare Officer,
Vellore District, Vellore.
 6. The District Adi Dravidar and Tribal Welfare Officer,
Kallakurichi District, Kallakurichi.
 7. The District Adi Dravidar and Tribal Welfare Officer,
Cuddalore District, Cuddalore.
 8. The District Adi Dravidar and Tribal Welfare Officer,
Perambalur District, Perambalur.
- .. Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in connection with the impugned Government Order issued in G.O.(Ms).No.26, Adi Dravidar and Tribal Welfare (ADW-4) Department, dated 25.02.2011



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and quash the same in so far as fixation of consolidated pay as illegal and unlawful and consequently direct the Respondents to treat the petitioners on par with Special Time Scale of Pay appointees who were appointed along with them and thereby grant regular time scale of pay with all service and monetary benefits including arrears from the date of initial appointment in so far as the petitioners are concerned within the time limit that may be stipulated by this Court.

In WP(MD). No.11545 of 2024:

1. B.Sangeetha
2. M.Anandaraj
3. M.Murugesan
4. C.Perumal
5. P.Balamurugan
6. N.Mariappan
7. A.Gopi
8. K.Karthikraja

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Backward Class, Most Backward Class and Minorities Welfare
Department, Secretariat, Chennai - 9..

2. Commissioner of Backward Classes Welfare,
Chepauk, Chennai - 600 005..

3. The District Backward Classes and Minorities Welfare Officer,
Thanjavur District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records on the file of the 1st respondent in connection with the impugned Government Order issued in G.O.(Ms). No.83, Backward Class, Most Backward Class and Minorities Welfare Department dated 26.06.2012 and quash the same in so far as fixation of consolidated pay as illegal and unlawful and consequently direct the respondents to treat the petitioners on par with Special Time Scale of Pay appointees who were appointed along with them and thereby grant regular time scale of pay with all service and monetary benefits including arrears from the date of initial appointment in so far as they are concerned within the time limit that may be stipulated by this Court.

In WP(MD). No.19406 of 2024:

1. K.Parvathi,
2. R.Sarala
3. R.Macha Gandhi

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare
Department, Secretariat, Chennai-9.

2. Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai-600 005.

3. The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli.

4. The District Adi Dravidar and Tribal Welfare Officer,
Cuddalore District,
Cuddalore.

... Respondents



WP(MD). Nos.10537, 11545 and 19406 of 2024

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st Respondent in connection with the impugned Government Order issued in G.O.(Ms).No.26, Adi Dravidar and Tribal Welfare (ADW-4) Department, dated 25.02.2011 and quash the same in so far as fixation of special time scale of pay as illegal and unlawful and consequently direct the Respondents 1 and 2 to fix the pay based on regular time scale of pay on par with the Sweepers working in the School Education Department issued in G.O.(Ms).No.50 School Education Department dated 08.03.2019 and as well as to sanction selection grade pay on completion of 10 years of service with arrears and monetary benefits to the petitioner within the time limit that may be stipulated by this Court.

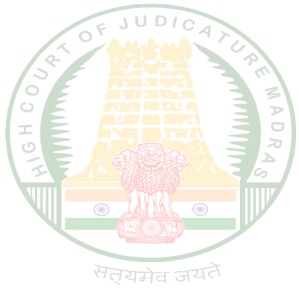
In all the writ petitions:

For Petitioners : Mr.K.Gurunathan

For Respondents : Mr.M.Dinesh Hari Sudarsan
Counsel for Government of Tamil Nadu (Civil Side)

COMMON ORDER

The issue that arises for consideration in these writ petitions is one and the same and as such, they are taken up for consideration together and are being disposed of by this common order.



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2. The petitioners in WP(MD)No. 10537 of 2024 and WP(MD)No. 19406 of 2024 are working as Sweepers in Adi Dravidar and Tribal Welfare Department having been appointed and regularized in terms of the orders issued by the Government in G.O.(Ms)No.26 Adi Dravidar and Tribal Welfare (ADW-4) Department, dated 25.02.2011, whereas the petitioners in WP(MD)No.11545 of 2024 are working as the Sweepers in Backward Class, Most Backward Class and Minorities Welfare Department having been appointed and regularised in terms of G.O.(Ms). No.83, Backward Class, Most Backward Class and Minorities Welfare Department, dated 26.06.2012.

3. Though the petitioners in these batch writ petitions were appointed on a regular basis, they were paid only a consolidated pay. Aggrieved by the same, they have approached this Court by filing the present writ petitions seeking parity in pay with similarly placed appointees who were granted the regular time scale of pay, along with all attendant service and monetary benefits, including arrears. In other words, the petitioners seek to compare themselves with the Sanitary Workers working in the School Education Department, who were



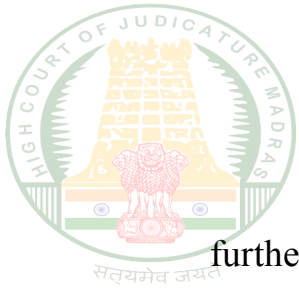
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extended the benefit of the regular time scale of pay pursuant to G.O.

(Ms.) No. 50, School Education Department, dated 08.03.2019.

4. The learned counsel for the petitioners has brought to the notice of this Court that an identical claim made by similarly situated persons came up before the Principal Seat of this Court and the said case was disposed of by a Coordinate Bench of this Court vide Order dated 23.06.2026 in W.P.No.7352 of 2025. Thus, the learned counsel for the petitioners submits that all the petitioners herein are also entitled for identical relief as was granted by the Principal Seat by order dated 23.06.2026.

5. On the other hand, Mr.M.Dinesh Hari Sudarsan, learned Counsel for Government appearing for the respondents submits that the Principal Seat, while passing the order dated 23.06.2026, has followed the order passed by the Hon'ble Division Bench in WA(MD)No.1584 of 2018. But the said order of the Hon'ble Division Bench has no application to the case of the petitioners in this batch of writ petitions. He



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further submits that the said order passed by the Division Bench is in respect of the School Education Department and the petitioners herein are working in Adi Dravidar Welfare Department and Backward Class and Most Backward Class and Minority Welfare Departments and therefore, these petitioners herein cannot claim the benefit of the orders issued by the Government in G.O.(Ms.)No.50, School Education Department dated 08.03.2019. He also submits that the petitioners herein, having been the beneficiaries of the orders issued by the Government in G.O.(Ms)No.26, Adi Dravidar and Tribal Welfare (ADW-4) Department, dated 25.02.2011, and G.O.(Ms) No. 83, Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 26.06.2012, cannot now turn around and claim benefits contrary to the said Government Orders. But for the said Government Orders, the petitioners would not have been appointed as Sanitary Workers and therefore, the petitioners cannot be permitted to claim any benefits contrary to the said Government Orders.

6. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

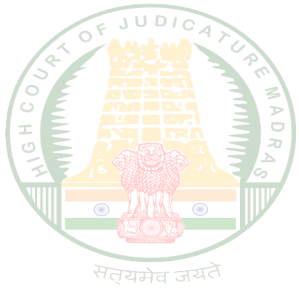


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7. A perusal of the order dated 23.06.2026 passed by the Principal Seat of this Court in W.P.No.7352 of 2025 disclose that the said order has been passed in the light of the order passed by Hon'ble Division Bench in WA(MD)No.1584 of 2018. The operative portion of the said order passed by the Hon'ble Division Bench reads as under:

*"4. The issue raised in this writ petition is no longer res integra, in view of the law laid down by the Hon'ble Supreme Court in **State of Punjab and others Vs Jagjit Singh and Others [2017(1) SCC 148]** and **Sabha Shanker Dube Vs Divisional Forest Officer and Others.***

5. There is no dispute that the Members of the Association are working as Scavengers. The Government sanctioned time scale of pay to the Scavengers appointed to work in various Government departments and in the High Court. Those Scavengers are receiving a salary of Rs.18,843/-. However, the scale of Rs.1,300-3,000 with the Grade Pay of Rs.300/-. The Scavengers working in the other Department were given the pay scale of Rs.4,800 - 10,000 + Grade Pay of Rs.1,300/-. The pay structure is per se discriminatory. It violates the principle of Equal Pay for Equal Work. The learned Single Judge was therefore justified in quashing the particular clause and



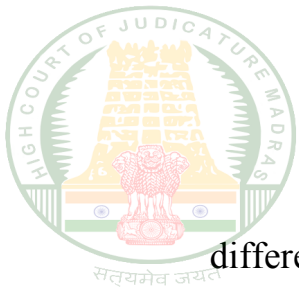
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directing the appellant to sanction the time scale of pay to the Scavengers, taking into account the salary of similarly placed scavengers working under the State. We do not find any error of illegality in the said order warranting interference."

8. From a perusal of the above order passed by the Hon'ble Division Bench in W.A.(MD) No. 1584 of 2018, it is evident that the Hon'ble Division Bench held that the differential pay structure extended to Scavengers working in different Departments was discriminatory and violative of the principle of "Equal Pay for Equal Work."

9. In the light of the decision of the Hon'ble Division Bench and the decision of the Hon'ble Apex Court relied on by the Hon'ble Division Bench and taking into consideration the fact that the School Education Department, Adi Dravidar Welfare Department and Backward Class and Most Backward Class and Minority Welfare Departments are all different wings of the same State and the work that is being extracted from the Scavengers working in all the Departments, namely working in



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different Schools, is one and the same, the action of the Government in treating the Scavengers/Sanitary Workers working in three different Departments differently is bound to be declared as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India. Thus, it is exactly the conclusion that was arrived at by the Hon'ble Division Bench and was followed by the Principal Seat of this Court vide order 23.06.2026 in W.P.No.7352 of 2025.

10. In the light of the above, this Court does not see any reason not to extend an identical benefit to the petitioners herein. In the light of the admitted fact situation that all the petitioners herein have been working as Sweepers/Sanitary Workers in different Departments of the same State, they have also equal right for payment of salary on par with the Scavengers working in School Education Department.

11. Accordingly, in the light of the above and taking into consideration the submission of the learned counsel for the petitioners at the threshold that he is not pressing the writ petitions insofar as challenge



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made to the impugned orders are concerned, these writ petitions are disposed of directing the respondents to extend the benefit of time scale of pay on par with the Scavengers working in School Education Department, that is, by extending the scale of pay of Rs.4800 - 10,000 + Grade Pay of Rs.1300/- on the date of their initial appointment in terms of the order in WP(MD)No.17663 of 2014 as confirmed in WA(MD)No. 1584 of 2018, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2026

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
CM



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To,

1. The Secretary to Government,
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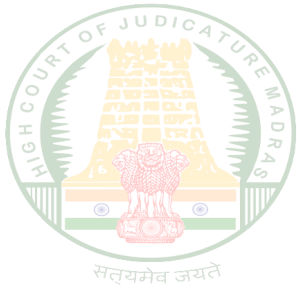
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MUMMINENI SUDHEER KUMAR,J

CM

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