

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.15406 of 2015

1.A.Vellaiammal
2.M.Parvathi
3.R.Pachiammal
4.P.Muthukumaran
5.Parvathi Ammal

...Petitioners

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education (R1) Department,
Secretariat, Chennai -9.
2.The Director of Elementary Education,
College Road, Chennai -6.
3.The District Elementary Education Officer,
Villupuram District, Villupuram.
4.The District Elementary Education Officer,
Vellore District, Vellore.
5.The District Elementary Education Officer,
Thiruvallur District, Thiruvallur.
6.The District Elementary Education Officer,
Cheyyaru, Thiruvannamalai District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to regularise the service of the petitioner in the light of G.O.Ms.No.385 dated 01.10.2010 and G.O.Ms.No.653 dated 07.08.2009 and the order of this Hon'ble Court in Rev.Appln.No.281 of 2014 in W.P.No.13162 of 2013 dated 08.12.2014.

For Petitioners : Ms.M.Srividhya
For Respondents : Mr.K.V.Dhanapalan
Addl. Government Pleader

O R D E R

Heard both sides.

2. The petitioners are working as Part time Sweepers/Part time Waterman in the Government Schools/Panchayat Union Schools. The date of appointment and the schools in which they worked are as follows:-

S.No .	Date of Appointment	Post	Name of School with Address
1.	02.06.1982	Part time Sweeper	Govt Boys Hr.Sec.School, Keel Kodungalur, Vandavasi Taluk, Thiruvannamalai District
2.	1978	Part time Waterman	Govt., Boys Hr.Sec.School, Ponneri Thiruvallur District
3.	27.12.1985	Part time Sweeper	Govt., Boys Hr.Sec.School, Pazhampettai, Thiruvannamalai District.
4.	29.12.1993	Part time Sweeper	Panchayat Union Middle School, Andarayanallur, Thiruvannainallur Panchayat Union, Thirukovilur Taluk, Villupuram District
5.	26.07.1971	Part time Sweeper	Mangalam Kilar Govt. Hr. Sec. School, Guruvarajapet - 631 101, Vellore District.

3. Initially, the petitioners sought full time scale of pay based on G.O.Ms.No.22 dated 28.02.2006. The issue was taken before the Hon'ble Supreme Court. The Supreme Court held that part time employees cannot seek full time scale of pay.

4. In such circumstances, the petitioners have come up with a plea to grant them scale of pay as applicable to part time employees as provided in G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009, G.O.Ms.No.653 Home Department, dated 07.08.2009 and G.O.Ms.No.385 Finance Department, dated 01.10.2010. In the said Government Orders, the Government granted time scale of pay of Rs.1300-3000+Rs.300/- to Part Time Sweepers.

5. The learned counsel for the petitioners would submit that the same benefit should also be extended to the petitioners. The learned counsel also brought to the notice of this Court the order dated 19.12.2014 made in W.P.No.33950 of 2014 granting similar benefit to the petitioner therein.

6. In view of the above, the writ petition is disposed of by directing the respondents to grant the benefit to the petitioners as provided in G.O.Ms.No.385 Finance Department, dated 01.10.2010 and in the light of the order dated 19.12.2014 passed in W.P.No.33950 of 2014, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamil Nadu,
School Education (R1) Department,
Secretariat, Chennai -9.
- 2.The Director of Elementary Education,
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- 3.The District Elementary Education Officer,
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- 4.The District Elementary Education Officer,
Vellore District, Vellore.
- 5.The District Elementary Education Officer,
Thiruvallur District, Thiruvallur.
- 6.The District Elementary Education Officer,
Cheyyaru, Thiruvannamalai District.

+1cc to Ms.M. Srividhya, Advocate, S.R.No.26340
+1cc to the Government Pleader, S.R.No.26138

GR(CO)
EU(11/06/2015)

W.P.No. 15406 of 2015