

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM

THE HON'BLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.28727 of 2015

and

M.P.Nos.1 and 2 of 2015

- 1.M.Veeramani
- 2.S.Nallamaruthu
- 3.P.Ramachandran
- 4.S.Kanagaraj
- 5.R.Selvaraj
- 6.R.Vijaya
- 7.S.Angamuthu
- 8.R.Ramesh
- 9.P.Jothimani
- 10.T.Palanisamy
- 11.V.Golpalsamy
- 12.M.Venkatasalam
- 13.P.Subramaniam
- 14.T.Vijayalakshmi
- 15.D.Sumathi
- 16.K.Periyasamy
- 17.M.Gunasekaran
- 18.K.Murugammal
- 19.L.Asirvatham
- 20.Johnjerold
- 21.N.Jagatheeswari
- 22.P.Thirumathal
- 23.S.Musthiribegum
- 24.K.Govindaraj
- 25.S.Murugesan
- 26.A.Jothi
- 27.K.Brindharani
- 28.S.Mangayarkarasi
- 29.M.Chinnasamy
- 30.R.Parvathi
- 31.K.Dhanalakshmi
- 32.C.Muthukumar
- 33.A.Mohamed Abdul Nazar
- 34.S.P.Krishnasamy
- 35.P.Anandan
- 36.J.Vijayalakshmi
- 37.E.Murugan
- 38.T.Rajendran
- 39.Ramesh
- 40.S.Senthilkumar

41.K.Ayyappan
42.M.Stalin Christoper

..Petitioners

/vs/

1.The State of Tamil Nadu rep.by
the Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.

2.The Director of School Education,
College Road,
Chennai-6.

3.The Joint Director of School Education,
(Personnel),
College Road,
Chennai-6.

4.The District Educational Officer,
Coimbatore District,
Coimbatore.

5.The District Educational Officer,
Pollachi,
Coimbatore District.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.47, School Education Department, dated 2.3.2012 and quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of pay of Rs.1300-3000 and G.P.300 and consequently direct the respondents to fix the salary for the petitioners in the scale of pay of Rs.4800-10000+1300 G.P. applicable to the basic service on par with the post of Watchman selected and appointed in the Common Selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by this Court.

For Petitioner : M/s M.Srividhya
For Respondents: Mr.Rm.Muthukumar
Government Advocate

ORDER

The petitioners are selected and appointed to the post of Sanitary Worker in Government Higher Secondary Schools through

Employment Exchange, which is on par with the post of Watchman with reference to conditions of service. Even in that, the selection is common in case of both sanitary worker as well as watchman, without any reference to difference in eligibility criteria . Common selection was made by calling the list from the Employment Exchange for the post of sanitary worker as well as watchman. However, lesser pay scale was fixed for the sanitary worker, whereas higher pay scale has been fixed for the watchman. Unilaterally, the salary was fixed as per G.O.Ms.No.47, School Education Department, dated 2.3.2012. Therefore, the petitioners have given a representation on 22.04.2015 to the first respondent stating that the petitioners are discriminated in fixation of salary and they sought for fixation of salary in the scale of pay of Rs.4800-10000+1300 G.P, applicable to the basic service on par with the watchman selected and appointed in the common selection as per the Government Order, dated 2.3.2012, from the date of initial appointment. Since the representation has not been disposed of, the petitioners have come before this Court challenging the very same G.O.Ms.No.47, dated 02.03.2012.

2. Heard Mr.M.Srividhya, learned counsel appearing for the petitioners and Mr.Rm.Muthukumar, learned Government Advocate appearing for the respondents.

3. It is seen from the records that the petitioners have been appointed as sanitary workers and the appointment is through common selection by calling the list from the Employment Exchange. Fixation of salary alone has varied. In this regard, the petitioners have given a representation on 22.04.2015 and therefore, the first respondent is directed to pass appropriate orders on the representation of the petitioners dated 22.04.2015 within a period of sixteen weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-Sd/-

Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
The State of Tamil Nadu
School Education Department,
Secretariat,
Chennai-9

2.The Director of School Education,
College Road,
Chennai-6.

3.The Joint Director of School Education,
(Personnel),
College Road,
Chennai-6.

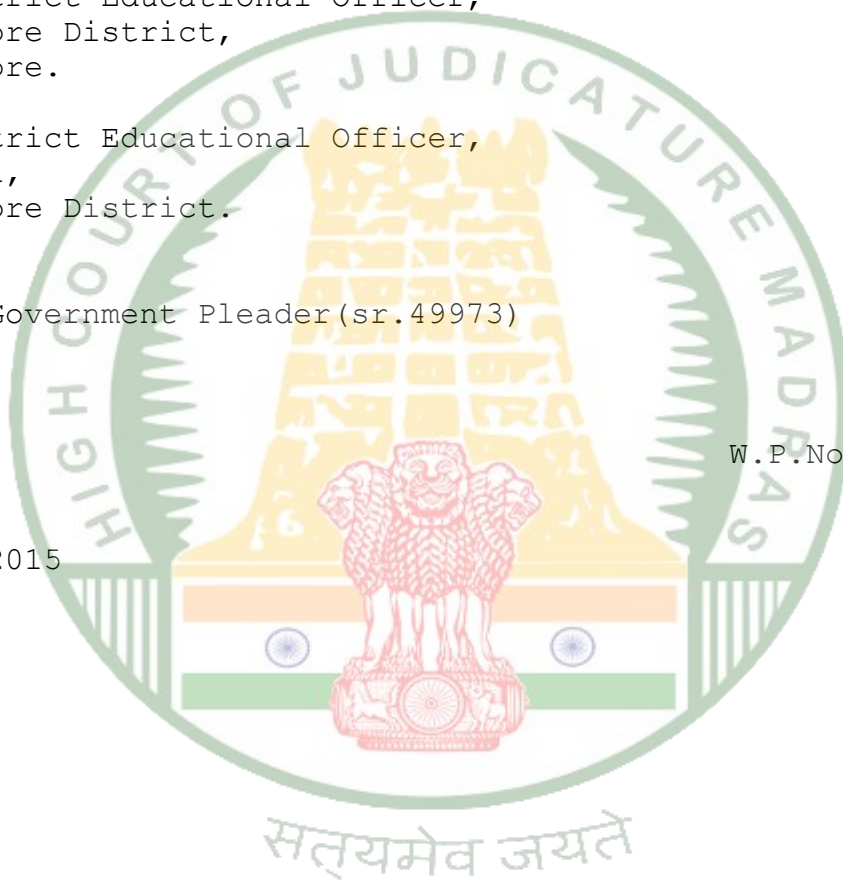
4.The District Educational Officer,
Coimbatore District,
Coimbatore.

5.The District Educational Officer,
Pollachi,
Coimbatore District.

+1 cc to Government Pleader(sr.49973)

ts(co)
cp 30/09/2015

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