

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No. 32763 of 2015

1.K.Malleeswaran
2.A.Venkatachalam

..Petitioners

Versus

1.Government of Tamil Nadu
Represented by Secretary of School,
Education Department,
St.George Fort, Chennai - 600 009.

2.The Director of Public Libraries,
No.737, Anna Salai,
Chennai - 600 002.

3.The District Library Officer,
Office of the District Library Officer,
Veerabathra Chetty Street,
Erode - 638 003.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to include the petitioners herein under the Old Pension Scheme instead of the new Contributory Pension Scheme in considering the petitioner's continuous service as Village Librarians prior to the date of promotion and regularization as Grade III Librarians dated 26.10.2006.

For Petitioner : Mr.A.Iruthayaraj
For Respondents : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioners, at present, are working as Grade III Librarians at Thandampalayam and Kavindapadi respectively under the Local Library Authority of Erode District and they are having requisite qualification to hold that post. The petitioners were initially appointed as Village Librarians as against the sanctioned post of Village Librarian, with effect from 02.01.2000 and 11.07.2000 respectively, vide proceedings of the District Library Officer, Erode District, dated 28.12.1999 and 30.06.2000 respectively. Initially, they were

paid consolidated payment on monthly basis at Rs.1,000/- and increased to Rs.1500/- per month. Since their services have not been regularized, they filed O.A.No.2499 of 1998 before the Tamil Nadu Administrative Tribunal, Chennai praying for appropriate direction to regularize their services as Grade III Librarians in the regular time scale of pay. The Tribunal has also passed positive orders on 07.06.2000 and 24.07.2000 respectively. These orders are put to challenge in W.P.No.22017 of 2001 before this Court and this Court, vide order dated 10.10.2002, directed the Government to fill up 763 posts of Grade-III Librarians with 625 Village Librarians including 368 Village Librarians, who have filed cases before the Tribunal as well as before this Court. The School Education Department has passed G.O.(MS) No.64, School Education (K1) Department dated 12.05.2006 providing for absorption of the Village Librarians as Grade III Librarians in compliance of the above cited orders and accordingly, the petitioners were promoted as Grade III Librarians in the regular pay scale of Rs.3200-Rs.4900 with effect from 26.10.2006 as per the proceedings of the District Library Officer, Erode.

3. The persons, similarly placed, aggrieved by the fact that their services were regularized with effect from 2006 instead of 2002, filed very many Writ Petitions and this Court, by order dated 19.4.2011 directed the respondents therein to pass orders on the representation submitted by the petitioner therein. The said order was put to challenge by the official respondents in W.A.Nos. 2 and 3 of 2012 and this Court, by order dated 11.1.2012, dismissed the Writ Appeals, thereby confirmed the order passed in the Writ Petitions. Challenge was made to the order dated 11.1.2012 before the Honourable Supreme Court of India in SLP Civil Nos.14838 to 14839 of 2012 and the said SLPS were dismissed on 10.5.2012.

4. The grievance now expressed by the petitioners is that since they are similarly placed, they are also entitled to get regularization with effect from 2002 and in that event, they are entitled to pensionary benefits and they will not come under the purview of contributory pension scheme. In this regard, the petitioners have submitted a representation dated 19.06.2015 to the respondents and since, no orders have been passed, they came forward to file this Writ Petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs respondents 1 and 2 to consider the petitioner's

representation dated 19.06.2015 and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Secretary
The Government of Tamil Nadu,
School Education Department,
St.George Fort, Chennai - 600 009.
2. The Director of Public Libraries,
No.737, Anna Salai,
Chennai - 600 002.
3. The District Library Officer,
Office of the District Library Officer,
Veerabathra Chetty Street,
Erode - 638 003.

+1 cc to Government Pleader(sr.57574)
+2 cc to Mr.A.Muthuraj, Advocate(sr.56476)

सत्यमेव जयते

W.P.No.32763 of 2015

sr(co)
cp 29/10/2015

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