

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.NO.9857 OF 2015

M. Nagappan

.. Petitioner

Versus

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

2.The Director of Government Examinations
College Road,
Chennai - 6.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to consider the claims of the petitioner for regularization in the post of Sweeper on time scale of pay as per the Government Order No.385, Finance (Pay Cell) Department, dated 01.10.2010 with all consequential benefits.

For Petitioner : Mr.G.Elanchezhian

For Respondents : Mr.K.V.Dhanapalan

Additional Government Pleader

O R D E R

Heard both sides.

2.The petitioner was employed as a Scavenger by an order dated 04.11.1996 issued by the Secretary to the Directorate of Government Examinations. He was appointed as Scavenger on daily wages basis. However, the appointment was based on an interview after being sponsored by the Employment Exchange. The petitioner retired from service on 30.11.2014 after rendering 17 years of service. He was continued on daily wages basis for the past 17 years without granting any scale of pay.

3.The petitioner sought the full time scale of pay for the post of Scavenger as per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006 and filed writ petition in W.P.No.14160 of 2013. However, the said writ petition was dismissed.

4.Now, the petitioner has filed the present writ petition seeking to grant the scale of pay Rs.1300-3000+300 grade pay applicable to part time Scavengers. The petitioner has relied on G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 and also G.O.Ms.653, Home (Police) Department, dated 07.08.2009.

5.The learned counsel for the petitioner has brought to my notice the order dated 04.08.2014 passed by me in Review Application No.207 of 2014 in W.P.No.13168 of 2013 wherein this Court issued direction to grant scale of pay to the part time employees, who joined even prior to the petitioner, as per the aforesaid Government Orders.

6.In view of the same, the writ petition is disposed of directing the first respondent to pass orders granting scale of pay and other benefits in terms of G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 and G.O.Ms.653, Home (Police) Department, dated 07.08.2009 and also in the light of the order dated 04.08.2014 passed in Review Application No.207 of 2014 in W.P.No.13168 of 2013, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

NVI/TK

To

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

2.The Director of Government Examinations
College Road,
Chennai - 6.

1 cc to Government Pleader, Sr.No18998/15

1 cc to Mr. G.Elanchezhiyan, Advocate, SR.No.18837/15

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