



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.04.2015**
Coram

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD).No.5752 of 2015 and M.P.(MD) No.1 of 2015

Al Mohammed Saleem :Petitioner
vs.

- 1.State Rep. by its Secretary to Tamilnadu Government,
Health Department,
Secretariat, Fort St. George, Chennai.
- 2.The District Collector,
Collectorate, Tirunelveli - 01.
- 3.The Deputy Director of Health Services,
District Health Department,
Sankarankovil, Tirunelveli.
- 4.The Officer in Charge,
Health Centre,
Puliyarai, Senkottai Taluk,
Tirunelveli District. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the Respondents No.1 to 3 to fix the Special Time Scale of Pay for the petitioner and to provide the arrear Special Time Scale of pay to the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.K.P.Krishnadoss
Government Advocate

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus to direct the Respondents 1 to 3 to fix the Special Time Scale of Pay for the petitioner and also to provide the arrears.

2.Mr.K.P.Krishnadoss, learned Additional Government Pleader takes notice for the respondents 1 to 4 and by consent of both parties, the writ petition itself is taken up for final disposal.

<https://hcservices.courts.gov.in/hcservices/>
3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Sanitary Worker on



contract basis in the year 2006 and till date he has been working as such. In order to protect the livelihood of the contract Sanitary Workers, the State Government has issued G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 whereby the Government has decided to fix a Special Time Scale of Pay to the Sanitary Workers, who have completed three years of continuous service. Further, the Government has also directed the heads of the departments to send the list of the persons, who have completed three years of service as Sanitary Workers on contract basis, to the Personnel Administration and Reforms Department so as to enable the Government to fix Special Time Scale of Pay to them. According to the petitioner, he is one such a person and he has also got necessary certificate from the authority concerned in terms of the said Government Order. But, the respondents have not considered the case of the petitioner in granting the Special Time Scale of Pay, more particularly, in the light of the direction issued by the Director of Health Services dated 21.11.2014 wherein the mode of fixation of Special Time Scale of Pay has been mentioned. Therefore, the learned counsel would submit that the representation of the petitioner dated 29.08.2013 may be considered and suitable orders passed thereon.

4. Heard both sides.

5. As long as the certificate issued by the fourth respondent dated 30.04.2007 is not in dispute, there is no purpose in directing the respondents to dispose of the representation of the petitioner and even it would result in further round of litigation. If the certificate dated 30.04.2007 is not in dispute, the petitioner would squarely fall within the ambit of G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 and he is entitled to the benefit of the said Government Order together with the communication of the Director of Health Services, dated 21.11.2014. Therefore, if the certificate produced by the petitioner is genuine, the respondent concerned is directed to grant all the benefits including the arrears applicable to the petitioner in terms of G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 and the communication dated 21.11.2014 of Director of Health Services, Chennai, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)



1.The Secretary to Tamilnadu Government,
Health Department,
Secretariat, Fort St. George,
Chennai.

2.The District Collector,
Collectorate, Tirunelveli - 01.

3.The Deputy Director of Health Services,
District Health Department,
Sankarankovil, Tirunelveli.

4.The Officer in Charge,
Health Centre,
Puliyarai, Senkottai Taluk,
Tirunelveli District.

+1cc to Mr.S.M.A.Jinnah, Advocate Sr.No.19137

+1cc to Spl.Government Pleader Sr.No. 19757

srm

AA/26.05.2015/3p - 7c/

W.P. (MD) No.5752 of 2015
16.04.2015