

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2706 of 2016

and

WMP.No.2259 of 2016

1. P.Andal
2. Viijiya
3. Muniammal
4. Kanchana
5. Kala
6. Ambika
7. Muniyammal
8. M.Muniyammal
9. Thayar
10. Rajammal
11. Sundari
12. Senthilkumar
13. Salima Banu
14. Samikannu
15. T.Muniyammal
16. Sagundala
17. Ellammal
18. M.Aruna
19. P.Poongavanam
20. K.Mononmani
21. Dhanasekari
22. S.Kalaiselvi

... Petitioners

- Vs -

1. The State of TamilNadu
Represented by Secretary to Government
School Education Department
Secretariat, Chennai-9.
2. The District Collector,
Panchayat Development Wing
Tiruvannamalai
3. The Block Development Officer
(village panchayat)
Tellar, Tiruvannamalai District

4.The Assistant Elementary Educational Officer
Tellar, Tiruvannamalai District.

5.The Director of Elementary Education
DPI Complex, Egmore, Chennai.

(suo-motu impleaded)

... Respondents

(Vide order of Court dated 27.01.2016)

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to consider the claims of the petitioners for regularisation in the post of sweeper by appointing them on Special time scale of pay as per the Government Order No.385, Finance (pay cell) Department dated 01.10.2010 with all consequential benefits.

For Petitioners : Mr.Muthukumaran

For Respondents : Mr.S.Gunasekaran,
Government Advocate
for R1, 2, 4 & 5
Mr.R.Govindasamy,
Additional Government Pleader for R3

O R D E R

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

2.The case of the petitioners is that they were all appointed as sweepers in the Panchayat Union Schools as detailed herein below :

Sl.No	Name	Working Schools	Date of Entry
1.	P.Andal	Panchayat Union Elementary School, Paduri-604 406, Tiruvannamalai District	1990
2.	Vijiya	Panchayat Union Elementary Senal Post, Vandavasi Taluk, Desur (via), Tiruvannamalai District	1997
3.	Muniammal	Panchayat Union Elementary, Paduvanakkampadi, Vandavasi, Tiruvannamalai District	2000

Sl.No	Name	Working Schools	Date of Entry
4.	Kanchana	Panchayat Union Elementary, Thunaiyampattu colony, Vandavasi Taluk, Tiruvannamalai District	2005
5.	Kala	Panchayat Union Elementary, Theiyar Village, Tellar Post, Vandavasi Taluk, Tiruvannamalai District	1990
6.	Ambika	Panchayat Union Middle School, Sathiyavadi Post via Thellar, Vandavasi Taluk, Tiruvannamalai District	2000
7.	Muniayammal	Panchayat Union Elementary School, Sathiyavadi, Kattukarani, Vandavasi Taluk, Tiruvannamalai District	1990
8.	M.Muniammal	Panchayat Union Elementary School, Eripattu, Elangadu Post, Vandavasi Taluk, Tiruvannamalai District	1990
9.	Thayar	Panchayat Union Elementary, Kilvillivanam, Thellar, Vandavasi Taluk, Tiruvannamalai District	1995
10.	Rajammal	Panchayat Union Elementary School, Sammanpattu-604 406, Vandavasi Taluk, Tiruvannamalai District	1995
11.	T.Sundari	Panchayat Union Elementary, School, Narasingapuram, Kilvillivanam, Thellar Union, 604 408, Tiruvannamalai District	1995
12.	Senthilkumar	Panchayat Union Elementary School, Vadakupattul, Tiruvannamalai District	2005
13.	Salimabanu	Panchayat Union Elementary School, Palavankarani. Kilvillivanam Post, Tiruvannamalai District	1994
14.	G.Samikannu	Panchayat Union Elementary School, Nadukuppam, Tellar union, Tiruvannamalai District.	1990
15.	T.Muniyammal	Panchayat Union Elementary School, Achamangalam-604501, Tiruvannamalai District	1995
16.	Sagunthala	Panchayat Elementary School, Oorkudi-604505, Tiruvannamalai District	1995

Sl.No	Name	Working Schools	Date of Entry
17.	K.ellammal	Panchayat Union Elementary School, Vayalamur Post, Tiruvannamalai District	1985
18.	M.Arjuna	Panchayat Union Elementary School, Kothandapuram-604502, Tiruvannamalai District	2000
19.	P.Poongavana m	Panchayat Union Elementary School, Mettukudisai 604502, Tiruvannamalai District	1987
20.	K.Mononmani	Panchayat Union Elementary School, Teiyar Post, Tellar union 604406, Tiruvannamalai District	1990
21.	Dhanasekari	Panchayat Union Elementary School, Mesanallur, Tiruvannamalai District	1990
22.	Kalaiselvi	Panchayat Union Elementary School, Tirumalpadi 604505, Tiruvannamalai District	1995

3. According to the petitioners, they were initially appointed as sweeper by the first respondent and as per the Government Order issued in GO.Ms.No.385 Finance (paycell) Department dated 01.10.2010 and GO.Ms.No.653, Home Department, dated 07.08.2009 and in the light of the order of this Court in WP.No.29412 of 2010 (K.Palanisamy and 73 others V. The State and three others).

4. This Court during the course of arguments suo-moto impleaded the Director of Elementary Education, DPI Complex, Egmore, Chennai as fifth respondent in this writ petition.

5. Heard the submissions of Mr.Muthukumaran, learned counsel appearing for the petitioners and Mr.S.Gunasekaran, learned Government Advocate appearing for respondents 1, 2, 4 and 5 and Mr.R.Govindasamy, learned Additional Government Pleader appearing for third respondent who accepts notice on behalf of the respondents.

6. The learned Government Advocate and the learned Additional Government Pleader appearing for the respondents would be fair enough to submit that the representation given by the petitioners would be considered by the respondents within a time frame to be specified by this Court. The said statement is recorded.

7.Considering the limited scope of the prayer and the facts and circumstances of the case, without going into the merits of the claim of the petitioners, this Court permits the petitioners to make fresh representation individually to the fifth respondent requesting time scale of pay as provided under the Government Orders and enclosing the order of this Court referred to above and on receipt of such representations, the fifth respondent shall consider the same on merits and in accordance with law and pass orders thereon in the light of the Government Orders and the order of this Court referred to above within a period of eight weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

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To

Sub Assistant Registrar

- 1.The Secretary to Government
State of TamilNadu
School Education Department
Secretariat, Chennai-9.
- 2.The District Collector,
Panchayat Development Wing
Tiruvannamalai
- 3.The Block Development Officer
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- 5.The Director of Elementary Education
DPI Complex, Egmore, Chennai.
(suo-motu impleaded)

+1cc to Mr.Muthukumaran, Advocate, S.R.No.4603
+1cc to the Government Pleader, S.R.No.5079

W.P.No.2706 of 2016

KGK(CO)
CA(10/03/2016)