IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30937 of 2016

1.E.Madhavan
2.A.Masthan
3.C.Elumalai ... Petitioners

vs.

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

2.The Director of Public Libraries,
Government of Tamil Nadu,
Office of the Director of the Public
Libraries,
Anna Salai, Chennai-2.

3.The District Library Officer,
Thiruvallur District,
Thiruvallur. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant special time scale of pay of Rs.1,300-3,000+Grade pay of Rs.300/- with effect from 15.9.2010 as per G.O.Ms.No.385, Finance (Paycell) Department, dated 1.10.2010 with all consequential service and monetary benefits.

For Petitioners : Mr.M.Purushothaman
For Respondents : Mr.S.Gunasekaran,
Addl. Govt. Pleader

ORDER

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

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2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to grant special time scale of pay of Rs.1300-3000+Grade pay of Rs.300/- with effect from 15.9.2010 as per G.O.Ms.No.385, Finance (Paycell) Department, dated 1.10.2010 with all consequential service and monetary benefits.

3. It is the case of the petitioners that they are working as part-time Sweepers on consolidated pay for more than ten years under the respondents. On 1.10.2010, the Government of Tamil Nadu passed an order in G.O.Ms.No.385, Finance (Paycell) Department, wherein all the employees, who had completed three years of service, were granted special time scale of pay of Rs.1300-3000+Grade pay of Rs.300/- with effect from 15.9.2010. Pursuant to the said G.O., similarly placed employees like that of the petitioners, filed W.P.Nos.9556 and 9557 of 2012 before this Court and pursuant to the order passed by this Court in the said writ petitions, the Government issued G.O.Ms.No.680, Health and Family Welfare (AB-1) Department dated 28.6.2013, granting special time scale to the petitioners therein. Further, the part-time Sweepers like that of the petitioners working under the respondents 1 and 2 filed W.P.Nos.26710 to 26712 of 2013 and 3060 and 17416 of 2014 before this Court and in the said writ petitions, this Court directed the respondents 1 and 2 to consider their case and pass appropriate orders on merits and in accordance with law. Pursuant to the said direction, the District Library Officer, Salem vide proceedings dated 30.9.2015, granted special time scale of pay of Rs.1300-3000+Grade pay of Rs.300/- with effect from 15.9.2010. The petitioners are also working as part-time Sweepers under the respondents herein and as such, they are also eligible for the benefits as per G.O.Ms.No.385, Finance (Paycell) Department, dated 1.10.2010. In this regard, the petitioners made a representation dated 30.7.2016 to the respondents. Since the same was not considered so far, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioners to give a copy of the representation dated 30.7.2016, along with a copy of this order, to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third

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respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioners and it is for the third respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sbi
To

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

2.The Director of Public Libraries,
Government of Tamil Nadu,
Office of the Director of the Public
Libraries, Anna Salai, Chennai-2.

3.The District Library Officer,
Thiruvallur District,
Thiruvallur.

+2 CC to Mr. M. Purushothaman, Advocate Sr.No.51054
+1 CC to Government Pleader, Sr.No.50560

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MD : 22/09/2016

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