

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31245 of 2016

S.Balasubramanian

... Petitioner

vs.

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

2.The Director of Public Libraries,
Anna Salai, Chennai-2.

3.The District Library Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to grant special time scale of pay of Rs.1300-3000+Grade pay of Rs.300/- to the petitioner as per G.O.Ms.No.385, Finance (Pay Cell) Department dated 1.10.2010 with all consequential service and monetary benefits.

For Petitioner : Mr.A.Amanullah

For Respondents : Mr.A.Zakir Hussain,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to grant special time scale of pay of Rs.1300-3000+Grade pay of Rs.300/- to him as per G.O.Ms.No.385, Finance (Pay Cell) Department dated 1.10.2010 with all consequential service and monetary benefits.

3. It is the case of the petitioner that he was appointed as a part time Sweeper on 21.9.1992 by the proceedings of the third respondent under the approval of the first

respondent and as such, he has been working for the past 24 years. The first respondent issued G.O.Ms.No.385, dated 1.10.2010 directing the officials concerned to fix special time scale of pay to the part time Sweepers, who are working in various departments. The only condition stipulated in the said GO was that the part time Sweepers should have completed three years of service. Even though the petitioner completed 24 years of service, the benefit of the said GO was not implemented in his favour till date. In this regard, he sent a representation dated 21.7.2016 to the first respondent seeking to extend the benefit of special time scale of pay. However, so far, no action was taken on the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, 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, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to send a fresh representation 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 respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.385, Finance (Pay Cell) Department dated 1.10.2010, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

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

2.The Director of Public Libraries,
Anna Salai, Chennai-2.

3.The District Library Officer,
Tirunelveli District,
Tirunelveli.

+3 cc's to Mr.K.Krishnamoorthy,advocate,sr.50924

+1 cc to Govt.Pleader,sr.51516.

ad(co)
krd 20/9

W.P.No.31245 of 2016



WEB COPY