

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35261 of 2016

K.A.O.Sheik Bareeth Jamaludeen

... Petitioner

Vs.

1 The Principal Secretary to Government
School Education Department
Fort St. George
Chennai-600 009.

2 The Director of Public Libraries
Anna Salai
Chennai-600 002.

3 The District Library Officer
Tirunelveli District
Tirunelveli-627 002.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1st respondent to grant special time scale of pay of Rs.1300-3000+Grade Pay of Rs.300/- to the petitioner as per GO.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010 with all consequential service and monetary benefits.

For Petitioner : Mr.A.Amanullah

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader.

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 has been appointed as a part time Sweeper on 30.3.1989 vide proceedings of the third respondent under the approval of the first respondent and as such, he has been working for the past 27 years at Melppalayam II Branch Library. While so, the Government 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. To extend the benefits, the only condition stipulated in the said GO was that the part time Sweepers should have completed three years of service. Though the petitioner has completed ten years of service, the benefits of the said GO were not implemented in his favour. In this regard, the petitioner sent a representation dated 22.7.2016 to the respondents seeking the benefit of the said GO. Since the same was not considered so far, 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 Special 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, without going into the merits of the claim projected by the petitioner, this Court directs the third respondent to consider the representation of the petitioner dated 22.7.2016 seeking special time scale of pay of Rs.1300-3000+Grade Pay of Rs.300/- and pass appropriate orders, on merits and in accordance with law and also as per G.O.Ms.No.385 dated 1.10.2010, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

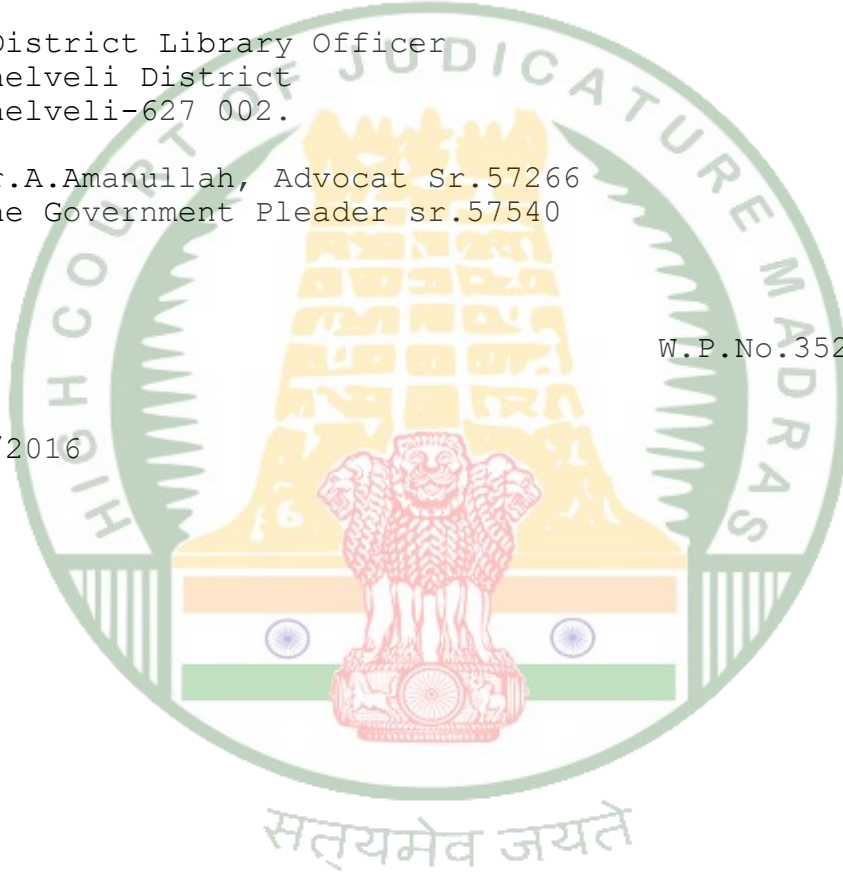
To

- 1 The Principal Secretary to Government
School Education Department
Fort St. George
Chennai-600 009.
- 2 The Director of Public Libraries
Anna Salai
Chennai-600 002.
- 3 The District Library Officer
Tirunelveli District
Tirunelveli-627 002.

+3cc to Mr.A.Amanullah, Advocat Sr.57266
+1cc to the Government Pleader sr.57540

W.P.No.35261 of 2016

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srg 24/10/2016



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