

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37055 to 37057 of 2016

G.Gandhimathi ... Petitioner in
W.P.No.37055 of 2016

S.Mallika ... Petitioner in
W.P.No.37056 of 2016

S.Anjammal ... Petitioner in
W.P.No.37057 of 2016

Vs

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

2.The Director of Public Libraries,
Anna Saalai,
Chennai.

3.The District Library Officer,
Collectorate Compound,
Villupuram.

.... Respondents in all
the W.Ps.

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the representation of the petitioners dated 12.10.2016, for grant of Special Time scale of pay of Rs.1300-3000 + Grade Pay of Rs.300, as per G.O.Ms.No.385, Finance (Paycell) Department, dated 01.10.2010 and in the light of G.O.(2D) No.129, School Education, (Ni.Va.4 (2)), Department, dated 31.05.2016 and as per G.O.(2D) No.239, School Education (Ni.Va.4(2)) Department, dated 07.09.2016.

For Petitioner : Mr.R.Prem Narayan,
in all the writ petitions.

For Respondents : Mr.V.Ananthamoorthy,
Addl. Govt. Pleader, (Edn.),
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the first respondent to consider their representation dated 12.10.2016, for grant of Special Time scale of pay of Rs.1300-3000 + Grade Pay of Rs.300, as per G.O.Ms.No.385, Finance (Paycell) Department, dated 1.10.2010 and in the light of G.O.(2D) No.129, School Education, (Ni.Va.4(2)), Department, dated 31.5.2016 and as per G.O.(2D) No.239, School Education (Ni.Va.4(2)) Department, dated 7.9.2016.

3. It is the case of the petitioners that they are now working as Part-time sweepers at Marakanam Branch Library, Mailam Branch Library and Olkoor Branch Library, respectively in Villupuram District. Initially, they were appointed through District Employment Exchange on consolidated pay. Now, the petitioners have put in more than 16, 20 and 20 years of service respectively in the post of Part-time sweeper. While so, the Government issued G.O.Ms.No.385, Finance (Pay Cell) Department, dated 1.10.2010, wherein the sweepers working either daily wage basis or on consolidated pay were granted Special Time Scale of Pay of Rs.1300-3000 + Grade Pay of Rs.300/- along with Dearness Allowance payable to the Government Employees. As per the above Government Order, two conditions are to be satisfied, i.e., (i) The Sweeper should have been employees on daily wage basis or on consolidated pay basis, (ii) Such Sweeper should have worked for a period of three years. The petitioners satisfied all the above conditions for grant of special time scale of pay. In this regard, the petitioners have made representation to the respondents on 12.10.2016. However, no order has been passed on their representation till date. Hence, left with no other alternative, the present writ petitions have been filed.

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. In view of the nature of relief sought for, though this Court cannot give a positive direction, without going into the merits of the case, this Court is of the considered view that it would be suffice to direct the respondents to consider the representation of the petitioners and pass appropriate orders within a stipulated time frame.

6. Accordingly, this Court directs the petitioners to send a fresh individual representation along with a copy of this order to the first 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 first respondent is directed to consider the said representation 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 as per G.O.Ms.No.385, Finance (Paycell) Department, dated 1.10.2010 and in the light of G.O. (2D) No.129, School Education, (Ni.Va.4(2)), Department, dated 31.5.2016 and as per G.O.(2D) No.239, School Education (Ni.Va.4 (2)) Department, dated 7.9.2016, within a period of six 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 first respondent to consider the claim of the petitioners strictly on merits and in accordance with law. All the writ petitions are disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2.The Director of Public Libraries,
Anna Saalai,
Chennai.

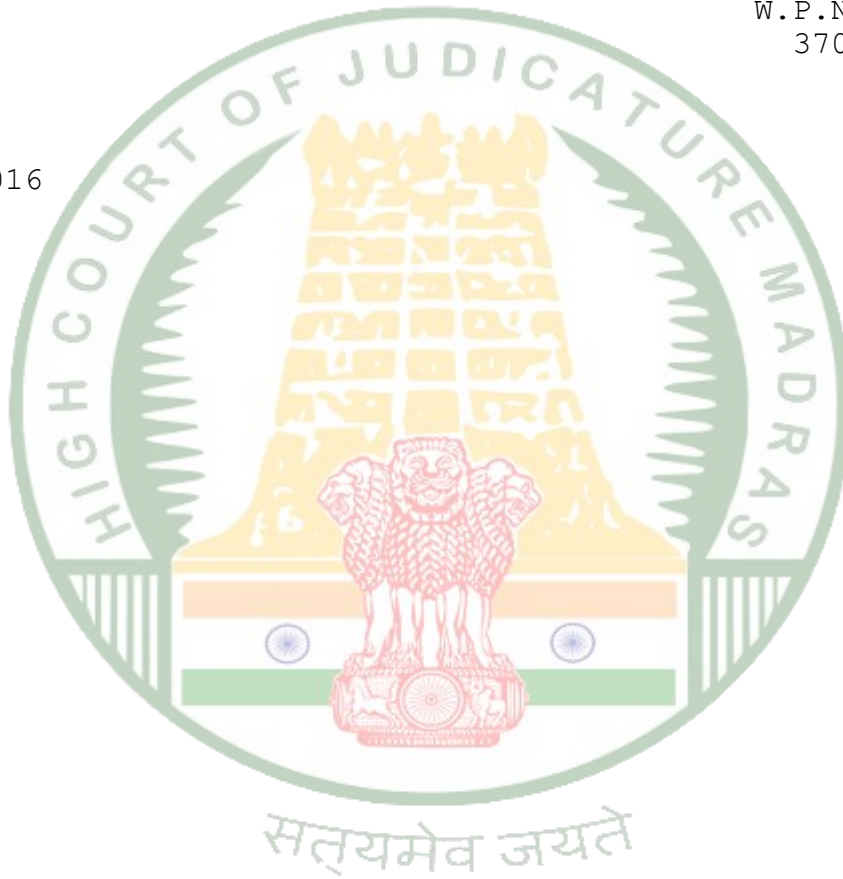
3.The District Library Officer,
Collectorate Compound,
Villupuram.

+5 ccs to M/s.R.Prem Narayan Advocate sr 60951,60950 & 60304

+1 cc to the Government Pleader sr 61561

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