

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39075 of 2016

1.G.Sokkanathan
2.A.Murugan
3.J.Ganapathy

... Petitioners

Vs

1.The Secretary
School Education and Public Library Department
Chief Secretariat of Tamil Nadu Government
Fort St. George Chennai-600 009

2.The Director
Public Library Department
Directorate of Public Libraries
737/1 Anna Salai LLA Building
Chennai-600 002.

3.The District Libraries Officer
Dharmapuri District Dharmapuri

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioners' representation dated 8.9.2016 to grant special time scale of pay (Rs.1300-3000+Rs.300) as per the Government Order No.385 Finance (Salary) Department dated 1.10.2010 with back wages.

For Petitioners : Mr.V.Vijayakumar

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to consider their representation dated 8.9.2016 to grant special time scale

of pay (Rs.1300-3000+Rs.300) as per the Government Order No.385, Finance (Salary) Department dated 1.10.2010 with back wages.

3. It is the case of the petitioners that they were appointed as Sweepers on 25.6.2002, 21.6.2002 and 26.2.2002 respectively in Kadathoor Village Library, Sinthalpadi Library and Thenkanikottai Library respectively. At the time of appointment, they have been paid a sum of Rs.295/- per month as consolidated salary and on due course, it has been increased and presently, they are receiving a sum of Rs.755/- per month. The Tamil Nadu Government had issued an order in No.385 Finance (Salary) Department dated 1.10.2010, stating that all the part time sweepers, who have completed three years of service are entitled to get special time scale of pay of Rs.1300-3000+Rs.300. Since the petitioners have completed three years of service as Sweepers, they made a representation dated 15.3.2012 to the third respondent to grant special time of pay as per the said order. But, the third respondent has not considered their request. Hence, the petitioner approached this Court by filing writ petitions in W.P.Nos.16414 to 16420 of 2012 and this Court allowed the writ petition, pursuant to which, the third respondent considered their representation dated 15.3.2012 and dismissed the same on 11.9.2012. While so, the District Library Officer, Salem District, passed an order dated 30.9.2016 in NA/KA/No.4486/2015, pursuant to which, the part time Sweepers in Village Libraries of Salem District, who have completed three of service, were granted with special time scale of pay of Rs.1300-3000+Rs.300, by following the order of this Court dated 25.9.2013 made in W.P.Nos.26710 to 26712 of 2012, and the order dated 3.2.2014 made in W.P.No.3060 of 2014 and the order dated 23.6.2014 made in W.P.No.17416 of 2013, in consonance with the Government order No.385 Finance (salary) Department dated 1.10.2010 and Government Order in (2D) No.101 School Education Department dated 7.8.2015 and the proceedings of the Director of Public Libraries dated 9.9.2015 with all consequential service benefits in cumulative effect since 1.10.2010. Since the petitioners are also similarly placed persons, they sent a representation dated 8.9.2016 to the respondents seeking special time scale of pay. 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 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 petitioners, this Court directs the second respondent to consider the representation of the petitioners dated 8.9.2016 seeking special

time scale of pay of Rs.1300-3000+Rs.300 and pass appropriate orders, on merits and in accordance with law and as per Government Order No.385, Finance (salary) Department 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(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

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Fort St. George Chennai-600 009

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Directorate of Public Libraries
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3.The District Libraries Officer
Dharmapuri District Dharmapuri.

+3cc's to Mr.V.Vijaya Kumar, Advocate, S.R.No.64218
+1cc to the Government Pleader, S.R.No.64628

W.P.No. 39075 of 2016

NR(CO)
CA(08/12/2016)

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