

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39476 of 2016

1 S.Mangalam
2 E.Saroja
3 G.Sowri Ammal
4 K.Siva Moorthy
5 V.Arjunan Petitioners

Vs

1 Principal Secretary to
Government School Education Department
Fort St.George Chennai 9
2 Director of Public Libraries
Anna Salai Chennai 2
3 District Library Officer
Ariyallur District Ariyallur ... 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 pay of Rs.1300-3000+Grade Pay Rs.300 to the petitioners as per G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010 with all consequential services and monetary benefits.

For Petitioners : Mr.S.Sundaresan
For Respondents : Mr.S.N.Parthasarathi,
Govt. Advocate

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 grant special time scale pay of Rs.1300-3000+Grade Pay Rs.300 to them as per G.O.Ms.No.385 Finance (Pay Cell) Department dated 1.10.2010 with all consequential services and monetary benefits.

3. It is the case of the petitioners that they are working as temporary Sweepers in various Libraries of Ariyalur District for more than 20 years. The Government of Tamil Nadu, considering the request of the similarly placed persons, announced a special time scale of pay and issued G.O. in G.O.Ms.No.385, Finance (Pay Cell) Department dated 1.10.2010 granting special time scale of pay for the employees, who are working on daily wages or consolidated pay for more than three years, by fixing the time scale of pay as Rs.1300-3000 + 300. In the said GO, dearness allowance has also been granted to the employees applicable to the Government employees and also the increase in dearness allowance and 3% of the basic pay for every year. Even though the petitioners are working for more than 20 years, they have not been granted any time scale of pay as stated in the said GO. In this regard, they sent a representation dated 26.9.2016 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. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners submitted that one Kannammal, similarly placed person like that of the petitioners approached this Court by filing a writ petition in W.P.No.3060 of 2014 and this Court, by order dated 3.2.2014, directed the respondents therein to consider the representation of the petitioner therein, in the light of G.O.Ms.No.385, Finance (Pay Cell) Department dated 1.10.2010 and pass orders thereon, on merits and in accordance with law, within a period of four weeks therefrom. Learned counsel has also brought to the notice of this Court that following the said order passed by this Court, the District Library Officer, Salem, has also implemented the same to the said Kannammal vide his proceedings in Na.Ka.No.4486/A/2015 dated 30.9.2015. Since the petitioners are also similarly placed persons, he sought for a similar direction in this writ petition also.

5. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the above facts and circumstance and also considering the fact that the petitioners herein are also similarly placed persons, without going into the merits of the claim projected by the petitioners, this Court directs the

petitioners to send a copy of the representation dated 26.9.2016 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 and pass appropriate orders, on merits and in accordance with law, and also in the light of the observation given by this Court in W.P.No.3060 of 2014 (K.Kannammal vs. The Secretary to Government, School Education Department, Fort St.George, Chennai-9 and two others) dated 3.2.2014, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant 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
Ariyallur District Ariyallur

+1cc to the Government Pleader, S.R.No.65295

br(CO)
md(02/12/2016)

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W.P.No.39476 of 2016