

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.42177 to 42186 of 2016

and W.M.P.Nos.36082 to 36091 of 2016

N.Meena ... Petitioner in W.P.42177/2016
M.Deenadayalan ... Petitioner in W.P.42178/2016
M.Sumathi ... Petitioner in W.P.42179/2016
P.Ravichandran ... Petitioner in W.P.42180/2016
R.Sundaram ... Petitioner in W.P.42181/2016
M.Jayanthi ... Petitioner in W.P.42182/2016
D.Chackaravarthi ... Petitioner in W.P.42183/2016
T.Muruganandam ... Petitioner in W.P.42184/2016
A.Jayasankar ... Petitioner in W.P.42185/2016
T.Muthuvalli ... Petitioner in W.P.42186/2016

Vs

1 The State of Tamil Nadu
Rep by the Principal Secretary to Government
School Education Department Secretariat
Chennai 9

2 The Director of School
Education College Road Nungambakkam
Chennai 6

3 The Joint Director of School
Education (Personnel) College Road
Chennai 6

4 The Chief Educational Officer
Cuddalore Cuddalore District

... RR1 to 4 in all WPs.

5 The District Educational Officer Viruthachalam Cuddalore District ... R-5 in WP.42177 & 42181/2016

5 The District Educational Officer Cuddalore District ... R5 in WP.42178 to 42180/2016, 42182 to 42186/2016

Writ petition No.42177 to 42186 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified Mandamus to to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms. No. 47 School Education (R1) Department dt 2.3.2012 and quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of pay of Rs.1300-3000 and G.P.300 and consequently direct the respondents to fix the salary for the petitioner in the scale of pay of Rs.4800-10000+ 1300 G.P applicable to the basic service on par with the post of Watch Man selected and appointed in the Common Selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Thirupathi,
in all the writ petitions.
For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader,
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, challenging the order of the first respondent passed in G.O.Ms. No. 47 School Education (R1) Department dated 2.3.2012 in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of pay of Rs.1300-3000 and G.P.300 and consequently, to direct the respondents to fix the salary for the petitioners in the scale of pay of Rs.4800-10000+ 1300 G.P applicable to the basic service on par with the post of Watch Man selected and appointed in the Common Selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest within a time frame to be fixed by this Court.

3. It is the case of the petitioners that they were selected and appointed to the post of Sanitary Worker in Government Higher Secondary Schools through Employment Exchange, which is on par with the post of Watchman with reference to conditions of service. Even in that, the selection is common in case of both sanitary worker as well as watchman, without any reference to difference in eligibility criteria . Common selection was made by calling the list from the Employment Exchange for the post of sanitary worker as well as watchman. However, lesser pay scale was fixed for the sanitary worker, whereas higher pay scale has been fixed for the watchman. Unilaterally, the salary was fixed as per G.O.Ms.No.47, School Education Department, dated 2.3.2012. Therefore, the petitioners have given a representation on 20.8.2015 to the first respondent stating that the petitioners are discriminated in fixation of salary and they sought for fixation of salary in the scale of pay of Rs.4800-10000+1300 G.P, applicable to the basic service on par with the watchman selected and appointed in the common selection as per the Government Order, dated 2.3.2012, from the date of initial appointment. Since the representation has not been disposed of, the petitioners have come before this Court challenging the very same G.O.Ms.No.47, dated 2.3.2012.

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. It is seen from the records that the petitioners have been appointed as sanitary workers and the appointment is through common selection by calling the list from the Employment Exchange. Fixation of salary alone has varied. In this regard, the petitioners have given a representation on 20.8.2015 and therefore, the first respondent is directed to pass appropriate orders on the representation of the petitioners dated 20.8.2015 within a period of sixteen weeks from the date of receipt of a copy of this order. Accordingly, all the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

sbi

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1 The Principal Secretary to Government
School Education Department Secretariat
Chennai 9

2 The Director of School
Education College Road Nungambakkam
Chennai 6

3 The Joint Director of School
Education (Personnel)
College Road Chennai - 6

4 The Chief Educational Officer
Cuddalore Cuddalore District

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Officer Viruthachalam Cuddalore District

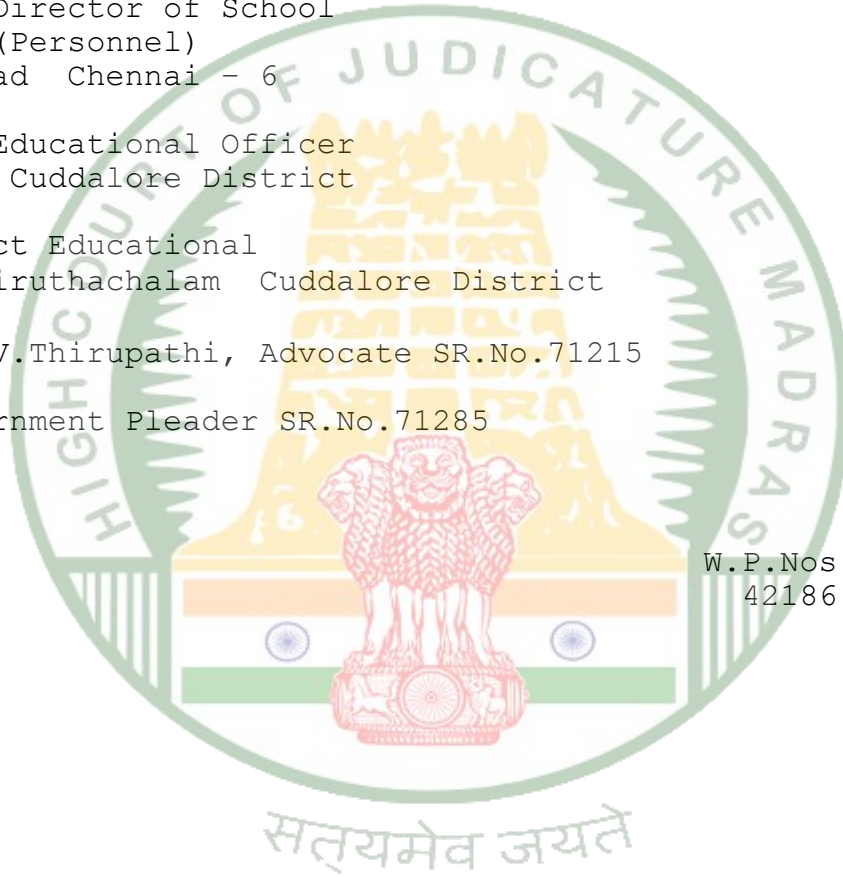
+10 CC Mr.V.Thirupathi, Advocate SR.No.71215

+1 CC Government Pleader SR.No.71285

W.P.Nos.42177 to
42186 of 2016

RV [CO]

MSI 12/01/2017



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