

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.Nos.4293 and 4294 of 2016

1. R.Kannappan
2. V.Manibalan
3. C.Elangovan
4. M.Selvarasu
5. K.Murali
6. S.Kannan

.. Petitioners in W.P.No.
4293 of 2016

1. K.Gnanavel
2. S.Gunasekaran
3. K.Nagammal
4. R.Arumugam
5. P.Anjapuli
6. A.Sulochana
7. G.Prema
8. P.Srinivasan
9. M.Jayalakshmi
- 10.G.Kolanchi
- 11.K.Sekar
- 12.M.Kalyani
- 13.V.Natrayan
- 14.S.M.Subramanian
- 15.K.Mohan
- 16.A.Rajendran
- 17.B.V.Kothandaramalingam

.. Petitioners in W.P.No.
4294 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 Salai
Chennai 600 002.

.. Respondents 1 and 2
in both W.Ps.

3. The District Library Officer
Cuddalore District
Cuddalore District.

.. 3rd Respondent in
W.P.No.4293 of 2016

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to grant special time scale of 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 service and monetary benefits.

For Petitioners : Mr.S.M.Subramaniam
in both W.Ps.

For Respondents : Mr.A.Kumar
in both W.Ps. Special Government Pleader

COMMON ORDER

These two writ petitions, which have been filed seeking the common relief, viz., issuance of a writ of mandamus to direct the respondents to grant special time scale of 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 service and monetary benefits, were taken up for final disposal with the consent of both the parties.

2. Mr.S.M.Subramaniam, learned counsel appearing for the petitioners has limited his prayer for issuance of a direction only to consider the representations submitted by the petitioners based on the similar orders passed by this Court in W.P.No.3060 of 2014 dated 03.02.2014, within a stipulated time that may be fixed by this Court. He would further submit in the cited case, the petitioner therein was initially appointed as a part time sweeper in Branch library through Employment Exchange on consolidated pay and that the Government, keeping in mind the fact that the petitioner therein has put in more than eight years of service as Part time sweeper, has also issued Government Order vide G.O.Ms.No.385, Finance (Pay Cell) Department dated 01.10.2010 stating that the part time sweepers, who are working either on a daily wage basis or on consolidated pay for a period of more than three years in a Government Department or in the Panchayats, are entitled to special time scale of pay of Rs.1300-3000 plus Grade pay of Rs.300/-. Therefore, he would submit that the petitioners herein are also similarly placed persons and had put in more than 10 years of service, they are also entitled for the said benefit.

3. Heard both sides.

4. This Court in W.P.No.3060 of 2014 vide order dated 03.02.2014 in the case of K.Kannammal vs. The Secretary to

Government, School Education Department, Fort St.George, Chennai-9 and two others has held as follows:

"7. Accordingly, the writ petition is disposed of and the petitioner is directed to submit fresh representation within one week from the date of receipt of a copy of this order and the respondents, in their turn, shall consider the said representation of the petitioner, in the light of G.O.Ms.No.385, Finance (Pay Cell) Department dated 01.10.2010 and pass orders thereon, on merits and in accordance with law, within a period of four weeks therefrom. However, there shall be no order as to costs."

5. Learned counsel for the petitioners also brought to the notice of this Court, that following the 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 30.09.2015.

6. In view of the above and also considering the fact that the petitioners herein are also similarly placed persons, this Court is inclined to direct the first respondent to consider the pending representation of the petitioners dated 12.01.2016 and 18.01.2016 and pass appropriate orders in the light of the observation given by this Court W.P.No.3060 of 2014 dated 03.02.2014 within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, both these writ petitions are disposed of. No costs.

Sd/-
Deputy Registrar(J)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

To

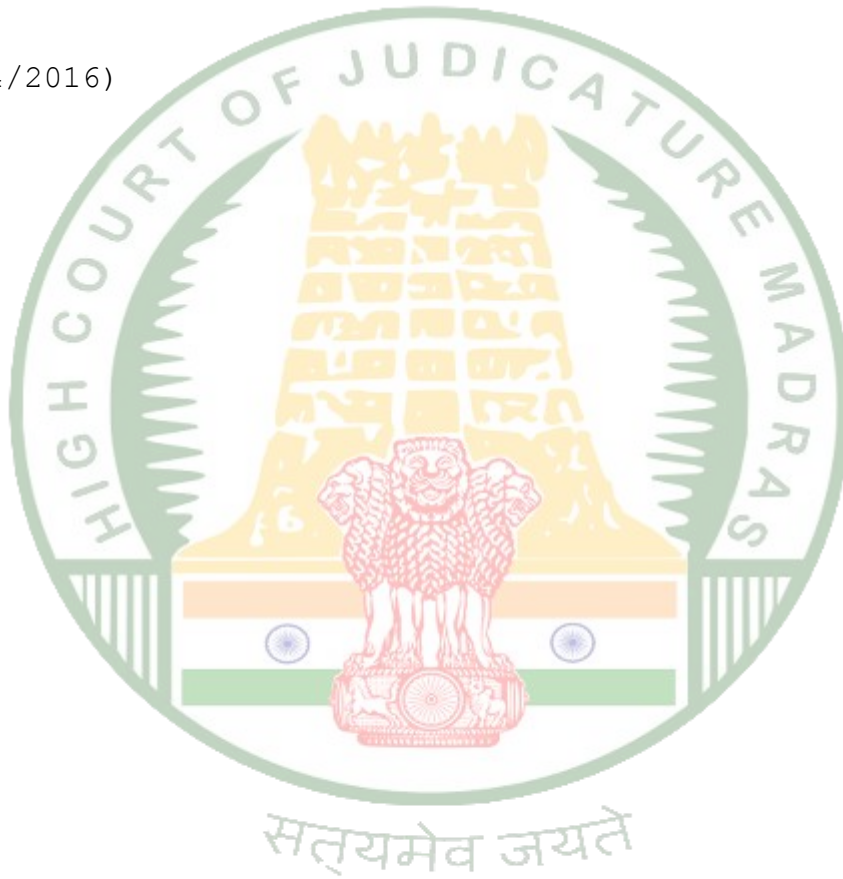
1. The Principal Secretary to Government
School Education Department
Fort St.George, Chennai 600 009.
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Chennai 600 002.

3. The District Library Officer
Cuddalore District
Cuddalore District.

+2cc to Mr.S.M.Subramaniam, Advocate, S.R.No.7440,7441
+1cc to the Government Pleader, S.R.No.7963

W.P.Nos.4293 and 4294
of 2016

ala (CO)
srg (07/04/2016)



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