

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.455 of 2016

G.Balammal

... Petitioner

Vs.

- 1.The Principal Secretary to Government
School Education Department
Fort St.George, Chennai-9.
- 2.The Director of Elementary Education
DPI Complex, Chennai.
- 3.The District Elementary Education Officer
Thiruvallur, Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for 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 GO.Ms.No.385 Finance (Paycell) Department dated 01.10.2010 with all consequential service and monetary benefits.

For Petitioner : Mr.S.M.Subramaniam

For Respondents : M/s.M.E.Raniselvam, AGP

O R D E R

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

2.According to the petitioner, she was initially appointed as sweeper by the first respondent and she has completed more than 25 years of service. As per the Government Order issued in GO.Ms.No.385 Finance (paycell) Department dated 01.10.2010, she is entitled for special time scale of pay along with dearness allowance payable to the Government employees. The Government issued orders to similarly placed persons in GO.(Pa).No.680 Health and Family Welfare (AB-1) dated 28.06.2013 granting special time scale of pay.

3.The petitioner would further state that the Government issued GO.(2D).No.101 School Education (Ni.Va.4(2)) Department dated 07.08.2015 granting special time scale of pay to part time sweepers working under the control of Salem District Library Officer. The same benefit were not extended to the petitioner, therefore, she made representation dated 29.06.2015 and 02.01.2016 to the respondents. Since, it was not considered she has come forward with the present writ petition.

4.Heard the submissions of Mr.S.M.Subramaniam, learned counsel appearing for the petitioners and M/s.M.E.Raniselvam, Additional Government Pleader who accepts notice on behalf of the respondents.

5.The learned counsel for the petitioners in support of his claim for special time scale of pay relies on Government orders in GO.Ms.No.385, Finance (paycell) department, dated 01.10.2010 and GO.(Pa) No.680, Public and Family Welfare (AB-1) department dated 28.06.2013 and also the order of this Court dated 19.12.2014 made in WP.No.33950 of 2014.

6.The learned Additional Government Pleader appearing for the respondents would be fair enough to submit that the representation given by the petitioner would be considered by the respondents within a time frame to be specified by this Court. The said statement is recorded.

7.Considering the above submissions made on either side and the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim made in the writ petition, this Court, directs the first respondent to consider the representation of the petitioner dated 29.06.2015 and 02.01.2016 with regard to the grant of special scale of pay in the light of GO.Ms.No.385, Finance (paycell) department, dated 01.10.2010 and GO.Ms.No.653 Home Department dated 07.08.2009 and also the order of this court dated 19.12.2014 made in WP.No.33950 of 2014 and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

8.The Writ Petition is disposed of accordingly. No costs.

tsh

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary to Government
School Education Department
Fort St.George, Chennai-9.

2.The Director of Elementary Education
DPI Complex, Chennai.

3.The District Elementary Education Officer
Thiruvallur, Thiruvallur District.

+ 1 cc to Mr.S.M.Subramaniam, Advocate SR 1164

+ 1 cc to Govt.Pleader SR 1408

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