IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No. 4690/2017

A.Gowri ..Petitioner

Vs

1. The Principal Secretary to Government,
   School Education Department,
   Fort St. George,
   Chennai 600 009.
2. The Director of Public Libraries,
   Anna Saalai, Chennai.
3. The District Library Officer,
   Collectorate Compound,
   Villupuram. ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st respondent to consider the representation of the petitioner dated 11.02.2017 for grant of Special Time Scale of pay of Rs 1300 - 3000 + Grade Pay of Rs 300 as per G.O.Ms.No 385 Finance (Paycell) Department dated 01.10.2010 and in the light of G.O.(2D) No 129 School Education (Ni.Va.4(2)) Department dated 31.05.2016 and as per G.O.(2D) No 239 School Education (Ni.Va.4(2)) Department dated 07.09.2016 and pass orders within a stipulated period of time.

For Petitioner : Mr. R. Prem Narayan
For R1 to R3 : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

` 2. The petitioner was initially appointed as a Part Time Sweeper at Rettanai Branch Library, Villupuram District, on a consolidated pay on 01.02.1991 and claims that he is working continuously for the past 26 years and would further aver that as per G.O.No.385, Finance [Pay Cell] Department, dated 01.10.2010, Sweepers working either on daily wages or on consolidated pay basis, were conferred with the benefits with the Special Time Scale of Pay at Rs.1300-3000 + GP Rs.300/- along with Dearness Allowance with an annual increment of 3% on basic pay and Grade pay and persons

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similarly placed, namely, Mrs.Saroja and K.Malarkodi were also conferred with such a benefit in G.O. [Pa.] No.680, Health and Family Welfare [AB-1] Department dated 28.06.2013. The petitioner would further aver that in respect of very many persons similarly placed, orders were passed and the said orders were also complied with in G.O.[2D] Nos.129 and 239 of School Education Department dated 31.05.2016 and 07.09.2016 respectively and taking note of the same, this Court has also passed a common order dated 24.10.2016 made in WP.Nos.37055 to 37057/2015 [G.Gandhimathi and 2 others Vs. The Principal Secretary to Government, School Education Department, Fort St George, Chennai 600 009 and 2 others] to consider their representations in the light of G.O.Ms.No.385, Finance [Pay Cell] Department dated 01.10.2010 and the above cited two Government Orders of the School Education Department dated 31.05.2016 and 07.09.2016 respectively and since the petitioner is similarly placed, he prays for appropriate orders. The petitioner in this regard, has also submitted a representation on 11.02.2017 to the 1st respondent, with copies marked to the respondents 2 and 3 and though it was received and acknowledged, no response is forthcoming and hence, the petitioner came forward to file the present writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

4.Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to response to the said representation in the form of proposal to the 1st respondent within a period of six weeks from the date of receipt of a copy of this order and the 1st respondent, upon receipt of the said proposal, is directed to consider the same on merits and in accordance with law and pass appropriate orders in the light of G.O.Ms.No.385, Finance [Pay Cell] Department dated 01.10.2010 as well as G.O.[2D] No.129, School Education [Ni.Va.[2]] Department, dated 31.05.2016 and as per G.O.[2D] No.239, School Education [Ni.Va.[2]] Department, dated 07.09.2016, on merits and in accordance with law, within a further period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5.The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

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

2. The Director of Public Libraries,
   Anna Saalai,
   Chennai.

3. The District Library Officer,
   Collectorate Compound,
   Villupuram.

+1cc to Mr.R. Prem Narayanan Vide SR.NO. 11927

+1cc to Government Pleader Vide SR. 13029

W.P.No.4690/2017

SKU(CO)
VR(08/03/2017)

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