

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5880 of 2017

Tamilnadu Government all Departments

Night Watchmen,

Office Assistance and Sweepers' Welfare Sangam,

Rep. By its President Thiru B.Devan

Bearing Regn. No.99 dated 03.02.1979

Sathampakamputhur, Umarapath Post,

Ambur,

Vellore District, Pin 635808.

... Petitioner

-VS-

1.The State of Tamilnadu

rep. By the Secretary

Rural Development Department

Fort St. George,

Chennai – 9.

2.The Commissioner

Directorate of Rural Development

Panagal Building, Saidapet,

Chennai – 15.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to pass appropriate orders on the representation dated 29.10.2013 seeking consideration of special time scale of pay as per G.O.No.385 Finance Department dated 01.10.2010 on merits as per and within a time to be stipulated by this Court.

For Petitioner :Mr.L.ChandraKumar
For Respondent :Mrs.A.Srijayanthi
Special Government Pleader
For R1 & R2

ORDER

The present writ petition is filed by the Tamil Nadu Government all the Departments Night Watchmen, Office Assistants and Sweepers' Welfare Sangam represented by its president.

2. The relief sought for in the present writ petition is for a direction to direct the respondents to pass appropriate orders on the representation dated 29.10.2013, seeking consideration of special time scale of pay as per G.O.No.385, Finance Department dated 01.10.2010.

3. This Court is of an opinion that claiming special time scale of pay based on the Government order passed in G.O.No.385 dated 01.10.2018, is an individual grievance. The eligible employees alone can claim special time scale of pay as per the Government orders in force.

4. Thus, the relief sought for by the writ petitioner to consider the representation cannot be granted. The grant of special time scale of pay is to be considered based on the service particulars, eligibility criteria and all other details with reference to the individual employees concerned. Thus, no

omnibus direction can be issued directing the respondents to consider the representation submitted by the writ petitioner Sangam to consider the grant of special time scale of pay to all the employees work in all the departments, such a relief is not maintainable.

5. However, it is made clear that the individual employees who all are eligible to get special time scale of pay as per G.O.No.385, shall submit their respective individual applications to the competent authorities concerned and in the event of submitting any such representation, such competent authorities are at liberty to consider the same and pass orders on merits and in accordance with law.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, Connected miscellaneous petition is closed.

01.11.2018

sk/kmm

Speaking order/Non speaking order
Index: Yes/No
Internet: Yes/No

S.M.SUBRAMANIAM, J.

sk/kmm

To

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