

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7956 of 2017

R.Vengaiyan

.. Petitioner

-vs-

1. Government of Tamil Nadu represented
by Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009
 2. The Director of School Education
Chennai 600 006
 3. The District Educational Officer
Salem, Salem District
 4. The Headmaster
Government High School
Chetty Chavadi
Salem District 636 008
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to regularize the services of the petitioner in the post of Sanitary Worker from the date of the petitioner initial appointment and to place the petitioner in the scale of pay of Rs.4800-10000 and Rs.1300 GP with effect from 23.11.2012 FN and to grant all consequential monetary benefits with interest.

For Petitioner :: Mr.M.Ravi

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus, directing the first respondent to regularize the services of the petitioner in the post of Sanitary Worker from the date of the petitioner's initial appointment and to place the petitioner in the scale of pay of Rs.4800-10000 and

Rs.1300 GP with effect from 23.11.2012 FN and to grant all consequential monetary benefits with interest.

2. It is the case of the petitioner that he was selected and appointed to the post of Sanitary Worker in Government High School, Chetty Chavadi, Salem 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 petitioner has given a representation on 30.12.2016 to the first respondent stating that the petitioner is discriminated in fixation of salary and has sought for fixation of salary in the scale of pay of Rs.4800-10000+1300 GP 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, he has come to this Court seeking for the aforementioned relief. Learned counsel for the petitioner has also produced a copy of the order passed by this Court in W.P.Nos.42177 to 42186 of 2016 dated 1.12.2016 (N.Meena & others v. State of Tamil Nadu represented by the Principal Secretary to Government, School Education Department and others) directing the first respondent to pass appropriate orders on the representation.

3. Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondents.

4. It is seen from the records that the petitioner has been appointed as Sanitary Worker and the appointment is made through common selection by calling the list from the Employment Exchange. Fixation of salary alone has varied. In this regard, the petitioner has given a representation on 30.12.2016 and therefore, the first respondent is hereby directed to pass appropriate orders on the representation of the petitioner within a period of sixteen weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

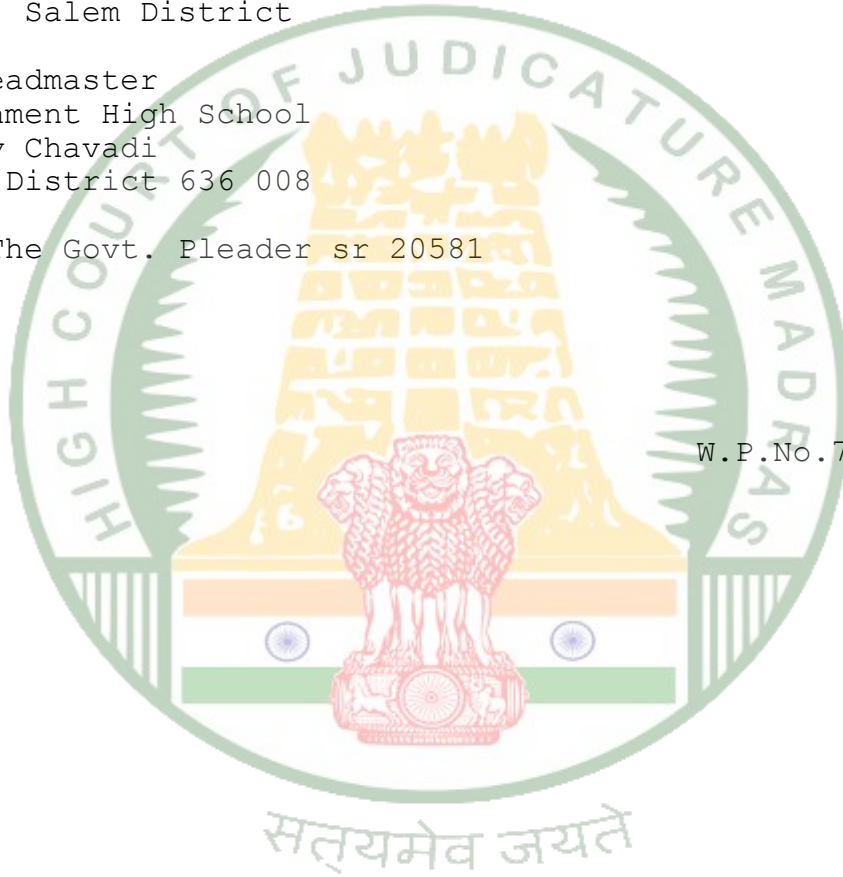
Sub-Assistant Registrar

To

1. The Principal Secretary to Government
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- +1 CC to The Govt. Pleader sr 20581

NMI (CO)
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