

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11898 of 2017

R.Vengaiyan

.. Petitioner

-vs-

1. The State of Tamil Nadu rep.by
the Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The Director of School Education
College Road, Nungambakkam
Chennai 600 006
3. The Joint Director of School Education (Personnel)
College Road
Chennai 600 006
4. The Chief Educational Officer
Salem, Salem District
5. The District Educational Officer
Salem, Salem District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the order passed by him in G.O.Ms.No.47, School Education Department dated 2.3.2012 and quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of Rs.1300-3000 and GP 300 and consequently direct the respondents to fix the salary for the petitioner in the scale of pay of Rs.4800-10000+Rs.1300 GP applicable to the basic service on par with the post of Watchman selected and appointed in the common selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by the Hon'ble Court.

For Petitioner :: Mr.S.Nedunchezhiyan

For Respondents:: Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking issuance of a writ of certiorarified mandamus, to call for the records on the file of the first respondent in connection with the order passed by him in G.O.Ms.No.47, School Education Department dated 2.3.2012, quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of Rs.1300-3000 and GP 300 with a consequential direction to the respondents to fix the salary of the petitioner in the scale of pay of Rs.4800-10000+Rs.1300 GP applicable to the basic service on par with the post of Watchman selected and appointed in the common selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by the Hon'ble Court.

2. It is the case of the petitioner that although he was selected and appointed to the post of Sanitary Worker in Government High School, Enathirimangalam through Employment Exchange, which is on par with the post of Watchman with reference to conditions of service, his grievance is that lesser pay scale was fixed for the Sanitary Worker, as per G.O.Ms.No.47, School Education Department dated 2.3.2012. Therefore, the petitioner has given a representation on 11.3.2016 to the first respondent seeking 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.P.Sanjay Gandhi, learned Additional Government Pleader takes notice on behalf of the respondents.

4. Under similar circumstances, this Court in W.P.Nos.42177 to 42186 of 2016 dated 1.12.2016 has directed the first respondent to consider the representation of similarly placed

persons. Even in the case on hand, the petitioner has been appointed as Sanitary Worker through a common selection by calling the list from the Employment Exchange. 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. Consequently, W.M.P.No.12806 of 2017 is closed. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ss

To

1. The Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The Director of School Education
College Road, Nungambakkam
Chennai 600 006
3. The Joint Director of School Education (Personnel)
College Road
Chennai 600 006
4. The Chief Educational Officer
Salem, Salem District
5. The District Educational Officer
Salem, Salem District

+1cc to Mr.S.Nedunchezhiyan,Advocate sr.39363

+1cc to Government Pleader sr.39413

W.P.No.11898 of 2017

ss(13/6/2017)