

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3708/2017

P.Marimuthu

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Petitioner

Vs

1. The Principal Secretary to Government
Social Welfare & Nutritious Meal Programme
Department, Fort St George, Chennai-600009.
2. The Director of Social Welfare
Chennai 600 005.
3. The Education Officer
Education Department, Corporation
of Chennai, Rippon Buildings,
Chennai 600 003.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 29.12.2014 praying for grant of regular time scale of pay in the light of the orders issued by the Government in G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme Department, adated 16.10.2008 and pass appropriate orders within a time limit to be fixed by this Court.

For Petitioner : Mr.P.Rajendran

For Respondents : सत्यमेव जयते Mr.P.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was working as a Noon Meal Organizer at Chennai Middle School, Chinnandimadam, Kodungaiyur, Chennai-118 and claims that he is a physically challenged person with 50% disability and got his appointment order on 13.10.1986 and is working on a consolidated pay. The petitioner would

claim that as per G.O.Ms.No.151 of the 1st respondent / Department, dated 16.10.2008, physically challenged persons who were working on consolidated pay for more than two years in all Departments, should be brought under time scale of pay and despite the said Government Order, the petitioner is yet to be brought under regular scale of pay ; and continues to be paid with special time scale of pay. In this regard, the petitioner has also submitted a representation dated 29.12.2014 to the 3rd respondent and though it was received and acknowledged, so far no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional 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 3rd respondent to act on the representation of the petitioner dated 29.12.2014 ; initiate appropriate proposal within a period of four weeks from the date of receipt of a copy of this order and upon receipt of such proposal from the 3rd respondent, the respondents 2 and 1 are directed to consider the same on merits and in accordance with law in the light of the above cited Government Order and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1. The Principal Secretary to Government
Social Welfare & Nutritious Meal Programme
Department, Fort St George, Chennai-600009.

2. The Director of Social Welfare
Chennai 600 005.

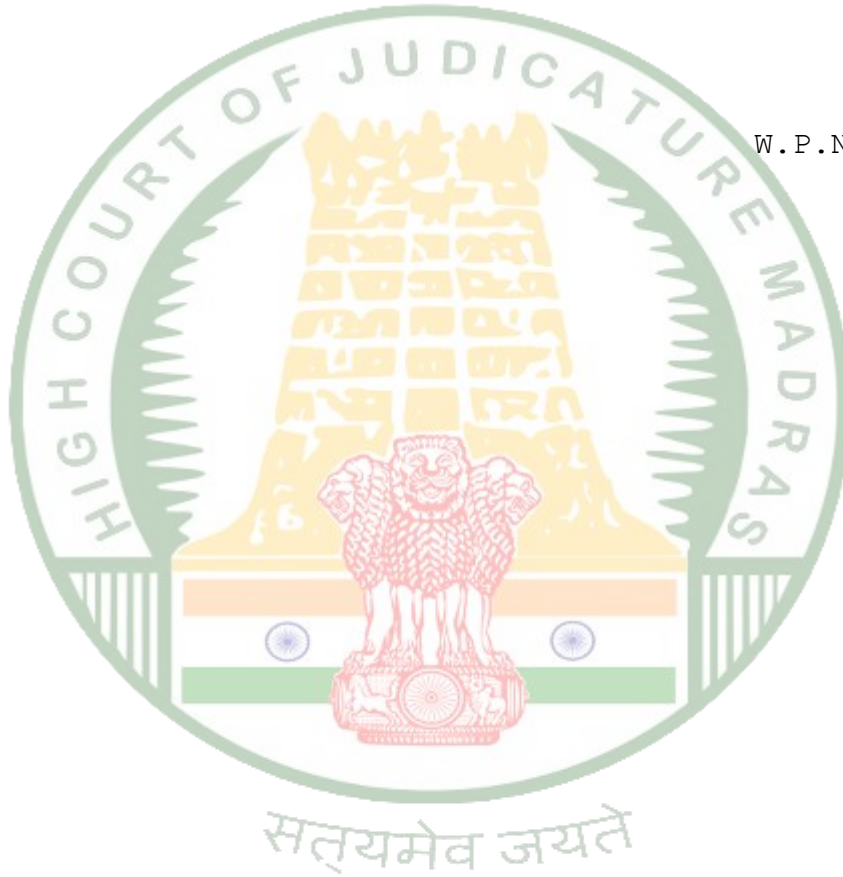
3. The Education Officer
Education Department, Corporation
of Chennai, Rippon Buildings,
Chennai 600 003.

+1 CC to Mr. P. Rajendran, Advocate sr 10116

+1 CC to Govt. Pleader sr 10220

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