

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15830 of 2017

R.Mohandas

.. Petitioner

-vs-

1. The Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009
 2. The Director of Public Libraries
Anna Salai
Chennai 600 002
 3. The District Library Officer
Collectorate Compound
Villupuram
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 12.6.2017 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 (Pay Cell) Department dated 1.10.2010 and in the light of G.O. (2D) No.129 School Education (Ni.Va.4(2) Department dated 31.5.2016 and as per G.O. (2D) No.239 School Education (Ni.Va.4 (2) Department dated 7.9.2016 and as per G.O. (2D) No.27 School Education (Ni.Va.4(2) Department dated 11.5.2017 and pass orders within a stipulated period of time.

For Petitioner ::Mr.R.Prem Narayanan

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

ORDER

The petitioner is serving as a Sweeper. As he was appointed initially on consolidated pay as part time Sweeper at Melmalayanoor Branch Library, Villupuram on 1.6.87, since then, he has been working continuously for the past 30 years. While so, the Government issued G.O.Ms.No.385 Finance (Pay Cell) Department dated 1.10.2010 granting special time scale of pay of

Rs.1300-3000+Grade Pay of Rs.300 along with dearness allowance payable to Government employees. In addition thereto, an annual increment of 3% on the basic pay and Grade pay was also granted. Only two conditions are to be satisfied for getting the special time scale of pay, he pleaded, namely, (i) that the Sweeper should have been employed on daily wage basis or on consolidated pay basis; (ii) that the Sweeper should have worked for a period of three years. As the petitioner has satisfied these two conditions stipulated in G.O.Ms.No.385 dated 1.10.2010, he is eligible for the grant of special time scale of pay. Again, on the basis of G.O.Ms.No.385 dated 1.10.2010, the special time scale of pay was also granted to Mrs.Saroja and Mrs.K.Malarkodi who are working as Sweepers in the Government Primary Health Centre, Thamarankottai and Government Primary Health Centre, Vallam respectively. Subsequently, when similarly placed persons came to this Court in W.P.Nos.4293 & 4294 of 2016 seeking a prayer for issuance of a mandamus to the respondents to grant special time scale of pay of Rs.1300-3000+Grade Pay of Rs.300. By order dated 4.2.2016, I have allowed the writ petitions directing the first respondent therein to consider the representations of the petitioners therein, in the light of the observation given by this Court in W.P.No.3060 of 2014 dated 3.2.2014, within a period of eight weeks. Pursuant thereto, the Government also issued G.O.(2D) No.239, School Education Department dated 7.9.2016. Since the petitioner is also a similarly placed person, he has given a representation dated 12.6.2017. Therefore, no prejudice would be caused to any one if a direction is issued to consider the said representation, in the light of the G.O.(2D) No.239, School Education Department dated 7.9.2016.

2. Mr.T.M.Pappiah, learned Special Government Pleader, taking notice on behalf of the respondents, sought four weeks time to consider the representation of the petitioner.

3. In view thereof, this Court hereby directs the first respondent to consider the representation of the petitioner dated 12.6.2017 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ss

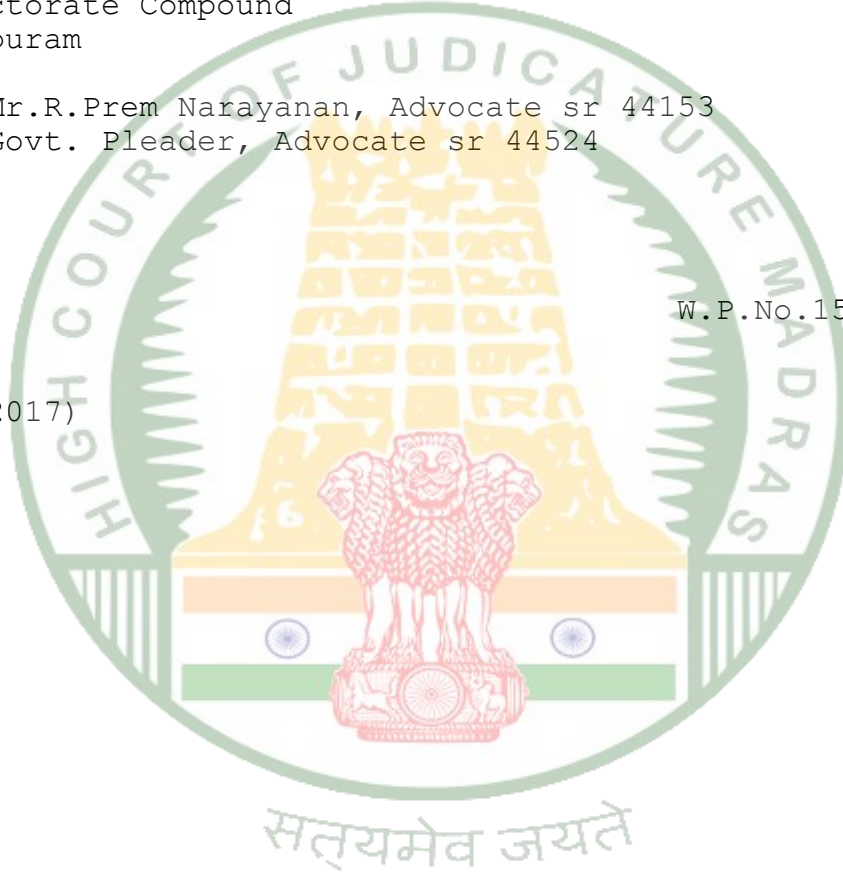
To

1. The Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009
2. The Director of Public Libraries
Anna Salai
Chennai 600 002
3. The District Library Officer
Collectorate Compound
Villupuram

+1 CC to Mr.R.Prem Narayanan, Advocate sr 44153
+1 CC to Govt. Pleader, Advocate sr 44524

W.P.No.15830 of 2017

VGI (CO)
sp(07/07/2017)



WEB COPY