

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2627/2017

- 1.M.Mani
- 2.M.Easwari
- 3.S.Prema
- 4.M.Palaniyammal
- 5.N.Sakunthala
- 6.A.Mahali
- 7.M.Jayalakshmi
- 8.Raginadevi
- 9.K.Velumani
- 10.D.Mahanedra Boopathi
- 11.M.Vellingiri
- 12.P.Anbukarasi

....Petitioners

.Vs.

- 1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.
- 2.The Director of Public Health and Preventive Medicine,
Chennai-600 006.
- 3.The Deputy Director of Health Services,
Tiruppur.

...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 implement G.O.Ms.No.385 Finance (PC) Department, dated 01.10.2010 to them and fix the pay of the Petitioners in the Time scale of pay of Rs.1300-3000+G.P.Rs.300, w.e.f. 15.09.2010, in the case of Petitioners 2 and 12 and from respective date of competition of 3 years of service in the case of the Other Petitioners and disburse the consequential monetary benefits.

For Petitioners	:	Mr.M.Ravi
For Respondents	:	Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioners were initially appointed as Sweepers on consolidated monthly pay of Rs.500/- in various Government Primary Health Centres in Tirupur District under Reproductive and Child Health Care Schemes and it is relevant to extract their service particulars:-

Sl.No.	Name	Date of Appointment	Place of Primary Health Centres
1	M.Mani	01.11.2008	Nambiyampalayam
2	M.Eswari	01.03.2007	Moolanur
3	S.Prema	01.04.2008	Kannivadi
4	M.Palaniammal	01.04.2008	Moolanur
5	N.Sakunthala	01.03.2011	Neenkadaiyur
6	A.Mahali	01.05.2011	Ramachandrapuram
7	M.Jayalakshmi	27.02.2007	Gudimangalam
8	Reginadevi	01.01.2011	Vellakoil
9	K.Velumani	01.11.2010	Pettappampatti
10	D.Mahendra Boopathi	01.03.2011	Pettappampatti
11	M.Velangiri	01.04.2011	Poolavadi
12	A.Anbukarasi	05.09.2008	Moolanur

The petitioners would further aver that at present, they are being paid with a sum of Rs.1500/- per month and ever since the date of entry into service, they have been rendering hard, sincere and blemishless service to the satisfaction of the superior officers also. It is further stated by the petitioners that the Finance [Pay Cell] Department, vide G.O.Ms.No.385, dated 01.10.2010, had ordered that sweepers working in Government Offices and Local Bodies on daily wages and also on consolidated pay basis for more than 3 years, shall be placed in Special Time Scale of Pay of Rs.1300-3000 + Rs.300/- Grade Pay with effect from 15.09.2010. The 1st respondent, vide Government Letter No.36188/Ab.1/2014-2 dated 28.07.2014, had instructed the Director of Public Health and Preventive Medicine to implement the above said Government Order and grant time scale of pay to Sweepers who were working on monthly/consolidated pay basis. The persons similarly placed, had also filed WP.Nos.9556 7 9557/2012 and pursuant to the orders passed by this Court, the implementation of the Government Order was also passed by the 1st respondent in G.O.[D] No.680 dated 28.06.2013. The petitioners

had also submitted a joint representation on 04.06.2016 to the respondents, praying for conferment of the time scale of pay with effect from 15.09.2010 and though it was received and acknowledged, no orders have been passed and hence, they came forward to file the present writ petition.

3 Heard the learned counsel appearing for the petitioners and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

4 Though the petitioners have 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 petitioners, either in their joint representation or in this representation, directs the 1st respondent to consider and dispose of the petitioners' joint representation dated 04.06.2016 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

AP
To

Sub Assistant Registrar

1. The Secretary to Government,
The Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.

2.The Director of Public Health and Preventive Medicine,
Chennai-600 006.

3.The Deputy Director of Health Services,
Tiruppur.

+1cc to Mr.Ravi, Advocate, S.R.No.7003
+1cc to the Government Pleader, S.R.No.7458

RK(CO)
RS(16/02/2017)

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