



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.18928 of 2016

1.A.Nagarajan
2.R.Ravi
3.M.Murugan
4.P.Mariappan
5.S.Murugesan

.. Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary, Backward Classes,
Most Backward Classes, Denotified Communities and
Minorities Welfare Department, Secretariat, Chennai 9.
- 2.The Principal Secretary and Commissioner,
Backward Classes and Most Backward Classes
Welfare Department,
Ezhilagam, Chepauk, Chennai - 600 005.
- 3.The Backward Classes and Minorities Welfare Officer,
Collectorate Campus, Tirunelveli,
Tirunelveli District.
- 4.The Principal Secretary,
Department of Social Welfare and Nutritious Meal
Programme,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to regularize the petitioners in the post of sweeper and fix the time scale of pay with consequential benefits in light of G.O.(MS) No. 151 Department of Social Welfare and Nutritious Meal Programme dated 16.10.2008, within a stipulated time.

For petitioner

... Mr.S.Louis
for MR.T.LAJAPATHI ROY

For Respondents

... Mr.S.Kumar
Additional Government Pleader

**ORDER**

This writ of Mandamus has been filed seeking direction to the respondents to regularize the petitioners in the post of sweeper and fix the time scale of pay with consequential benefits in light of G.O.(MS) No. 151, Department of Social Welfare and Nutritious Meal Programme, dated 16.10.2008, within a stipulated time.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioners are physically challenged persons and they were appointed as part time sweepers at Government Backward Classes Welfare Students Hostel, Edaikaal, Tirunelveli District.

4.On 16.10.2008, there was a Government Order in G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme Department, to the effect that those who have completed two years of service/those who are receiving consolidated pay would be given time scale of pay and their services would be regularised. Based on the said Government Order, the petitioners gave representations dated 16.08.2016 to the third respondent to regularise their services and to provide time scale of pay.

5.The representations given by the petitioners were considered and a proposal was submitted by the third respondent to the second respondent. As the said proposal is kept in a cold storage, this writ petition is filed seeking direction to the respondents to regularize the petitioners in the post of sweeper and fix the time scale of pay with consequential benefits in light of G.O.(MS) No. 151 Department of Social Welfare and Nutritious Meal Programme dated 16.10.2008, within a stipulated time.

6.The entitlement of the petitioners to get services regularised and to get the time scale of pay can not be disputed, as they have admittedly completed two years of service and they are also the persons, who are selected under physically challenged quota.

7.Under such circumstances, the applicability of G.O.Ms.No.151, dated 16.10.2008, can't be disputed, as the proposal itself has been forwarded by the third respondent to the second respondent. Therefore, there is no explanation as to why the proposal should be kept pending without being ordered. Hence, the third respondent is directed to pass orders on the proposal submitted by the third respondent, within a period of eight weeks from the date of receipt of a copy of this order.



8.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary, Backward Classes,
Most Backward Classes, Denotified Communities and
Minorities Welfare Department, Secretariat, Chennai 9.

2.The Principal Secretary and Commissioner,
Backward Classes and Most Backward Classes
Welfare Department,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The Backward Classes and Minorities Welfare Officer,
Collectorate Campus, Tirunelveli,
Tirunelveli District.

4.The Principal Secretary,
Department of Social Welfare and Nutritious Meal
Programme,
Chennai.

+1 cc to M/s.Special Government Pleader Sr.NO.59136

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SMA/SKS-RR/24.10.2016:3P/6C