

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.28087 of 2016

T.Sakunthala

... 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,
Erode,
Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant special time scale of pay of Rs.1300-3000 + Grade Pay Rs.300 to the petitioners as per G.O.Ms.No.385 Finance (Paycell) Department dated 01.10.2010 within a stipulated period and to pass any other further order as this Court may deem fit and proper and render justice.

For Petitioner : Mr.R.Prem Narayan

For Respondents: Mrs.P.Kavitha
Government Advocate

ORDER

The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, directing the respondents to grant special time scale of pay of Rs.1300-3000 + Grade Pay Rs.300 to the petitioners as per G.O.Ms.No.385 Finance (Paycell) Department dated 01.10.2010 within a stipulated period and to pass any other further order as this Court may deem fit and

proper and render justice.”

2. According to the learned counsel for the petitioner that in similar plea, this Court has passed an order in W.P.No.28567 of 2016 dated 02.02.2018, wherein a direction was issued to the respondents therein to dispose of the representation of the petitioners on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of that order.

3.The learned counsel for the petitioner would also submit that the order passed by this Court earlier is squarely applicable to the claim of the petitioner herein. The order passed by this Court in the earlier proceedings as found in paragraphs 3 to 7 are reproduced below:-

“3. The case of the petitioner is as follows:

The petitioners are all working as Part Time Sweepers in the various Branch Libraries in Vellore District. They have been working on various dated from 1987, 1997 to 2001. The details of their employment have been given in the tabular column filed along with the affidavit.

Sl. No.	Name	Designation	Date of Initial appointment	Place of working
1.	L.Suresh	Part Time Sweeper	07.05.2001	Branch Library,Walla jayet, Vellore District
2.	M.Mannammal	Part Time Sweeper	01.06.1987	Branch Library, Arcot, Vellore District.
3.	S.Srinivsasa n	Part Time Sweeper	19.06.1997	Branch Library, Gudiyatham, Vellore District
4.	R.Pandian	Part Time Sweeper		Branch Library, K.V.Kuppam, Vellore District.

4. According to the petitioners the Government issued G.O.Ms.No.385, Finance (Paycell) Department dated 01.10.2010, wherein Sweepers working either on daily wage basis or on consolidated pay basis were granted Special time scale of pay of Rs.1300 - 3000 + G.P.Rs.300 along with Dearness Allowance + Annual increment. The Government also prescribed certain conditions for grant of Special time scale of pay.

5. The above said benefits are also extended to the Part Time Sweepers like the petitioners herein. In the said circumstances, the petitioners appeared to have submitted number of representations for the extension of the above said benefits of G.O.Ms.No.385, Finance (Paycell) Department, dated 01.10.2010. However, the representations have not been disposed of.

6. When the matter was taken up for hearing, the learned counsel appearing for the petitioners would submit that the representation dated 20.07.2016 addressed to the first respondent may be directed to be disposed of, within a stipulated time that may be fixed by this Court.

7. Since, the direction sought for is only limited in its scope, for which, the learned Special Government Pleader, who has taken notice in this matter, cannot have any valid objection, the Writ Petition is disposed of with a direction to the first respondent to consider and dispose of the representation of the petitioners dated 20.07.2016, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order."

The learned counsel for the petitioner would submit that a direction may be issued to the first respondent to consider and pass orders on merits in response to the representation of the petitioner dated 15.07.2016, within a time stipulated by this Court.

4. Considering the limited prayer sought by the learned counsel for the petitioner for which, the learned counsel appearing for the respondents would have no legitimate

objection, this Court is disposing of the writ petition by directing the first respondent to pass orders on the representation of the petitioner dated 15.07.2016, within a period of eight weeks from the date of receipt of a copy of this order.

5.It is also open to the petitioner to submit a copy of the affidavit in support of the writ petition and the averments in the affidavit shall also to be taken into consideration by the first respondent before passing any final orders in the matter.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+1cc to Mr.R.Prem narayanan, Advocate, S.R.No.17644
+1cc to the Government Pleader, S.R.No.18455

W.P.No.28087 of 2016

RRK(16/03/2018)

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