

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.41768 of 2016

N. Premavathi

... Petitioner

Vs

1.The District Collector,
Kancheepuram District.

2.The Block Development Officer,
Elanthur Panchayat Union,
Kanchipuram District.

3.The District Educational Officer,
Kanchipuram,
Kanchipuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents to regularize the Petitioner's Services as Sweeper (Conductor) with effect from date of appointment in the said post i.e, 01.01.1986 with all attended monetary and service benefits within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner :Mr.L.Chandrakumar for
Mr.P.Rajavel

For Respondents :Mr.J.Pothiraj,
Special Government Pleader
for R1 & R3
Mr.R.Govindasamy,
Special Government Pleader for R2.

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader appearing for the first and third respondents and Mr.R.Govindasamy, learned Special Government Pleader appearing for the second respondent.

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

"To issue a Writ of Mandamus, to direct the Respondents to regularize the Petitioner's Services as Sweeper (Conductor) with effect from date of

appointment in the said post i.e, 01.01.1986 with all attended monetary and service benefits within a reasonable time to be fixed by this Hon'ble Court."

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

The Petitioner was appointed as Part Time Sweeper (Conductor) in the Panchayat Union Elementary School, Koovathur, Chiyur Taluk, Kanchipuram District on 01.01.1986. She had been continuing as Part Time Sweeper without any break in service and paid a consolidated monthly pay of Rs.165/-. According to the Petitioner, the Government has issued G.O.Ms.No.385, Finance (Pay Cell) 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 + Grade pay Rs.300/- along with Dearness Allowance and Annual increment. The Government also prescribed certain conditions for grant of Special time Scale of pay.

4. The above said benefits as contemplated in the G.O. have also been extended to the Part Time Sweepers like the petitioner herein. In the said circumstances, the Petitioner appeared to have submitted a representation for regularising the service and for the grant of Special time Scale of pay.

5. The 2nd Respondent vide his proceedings dated 12.11.2012, had also recommended to grant all the benefits as contemplated in G.O.Ms. No.385, Finance (Pay Cell) Department, dated 01.10.2010. However, it appears that no action was forthcoming from the respondents, the Petitioner has approached the Court seeking to issue a writ of Mandamus directing the Respondents to grant the benefits contemplated in the aforesaid Government Order.

6. The learned counsel for the petitioner would draw the attention of this Court to two recent orders passed in W.P.Nos.28567 and 28568 of 2016, wherein, this court had given a direction to the Respondents therein to consider and dispose of the representations within a stipulated time. The learned counsel would submit that similar direction may be passed in this writ petition also.

7. In view of the limited prayer being sought for in this writ petition and which cannot be resisted on legitimate grounds, this Court would pass the following order.

8. There shall be a direction to the first Respondent to consider the representation submitted by the petitioner on 12.08.2016, with reference to the G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 and also with reference to the recommendations of the second Respondent vide proceedings dated 12.11.2012 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that if similarly placed persons have

been granted the benefits in terms of the aforesaid Government Order and also with reference to the earlier order passed by this Court and the same may be made available to this petitioner as well.

9. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bga/gsk
To

- 1.The District Collector,
Kancheepuram District.
 - 2.The Block Development Officer,
Elanthur Panchayat Union,
Kanchipuram District.
 - 3.The District Educational Officer,
Kanchipuram,
Kanchipuram District.
- + 1 cc to M/s. P. Rajavel, Advocate SR.49917

W.P.No.41768 of 2016

(AR-CO)
EU(16/08/2018)

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