

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.29129 of 2018
and W.M.P.No.34063 of 2018

1.N.Selvaraj
2.A.Someswaran
3.K.Sathasivam
4.K.Subramani
5.V.Subbraramaniyan
6.S.Sathya
7.R.Indhirani Petitioners

Vs

1.State of Tamilnadu, Represented by its Secretary,
Backward Classes, Most Backward Classes and Minorities,
Welfare Department, Secretariat, Chennai-9.
2.The Director, Directorate of Backward Classes Welfare
Department, Ezhilagam, Chepauk, Chennai-600 005.
3.The Principal Secretary/Commissioner,
Backward Classes Welfare Department,
Ezhilagam, Chepauk, Chennai-5.
4.The District Backward and Minorities Welfare Officer,
Office of the District Backward and Minorities Welfare
Officer,Erode District. Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus to
direct the respondents to consider and dispose of petitioners's
representation dated 24.09.2018 and provide regularization with
time scale of pay from the date of eligible(i.e) 22.08.2016 and
promotion as cook in pursuant of G.O.Ms.No.385 of Finance
Department dated 01.10.2010 and the letter issued by the 3rd
respondent vide letter No.P1/2787/2017 dated 16.06.2017.

For Petitioners	:	M/s.C.Neethimozhi
For Respondents	:	Mr.R.S.Selvam Government Advocate

O R D E R

This writ petition has been filed for the issuance of a Writ of Mandamus to direct the respondents to consider petitioners' representation dated 24.09.2018 by which the petitioner sought regularization with time scale of pay and to promote them as cook.

2. It is the claim of the petitioners that they are poor people, living below the poverty line and works on a consolidated pay of Rs.2,000/- per month. The petitioners approached the respondents and gave several representation for regularising the work with time scale of pay and to give promotion as cook. However, the respondents have not considered the said representations till date.

3. It is the further claim of the petitioner that the Government has passed G.O.Ms.385, Finance (Pay Section) Department, dated 01.10.2010 wherein the similarly placed persons, who are working more than three years on daily wages / consolidated payment were given regular scale of pay. In the same context, one Thulasi, who was appointed as Sweeper and subsequently promoted as cook was regularised, eventhough she has not completed more than one year of service in the category of sweeper.

4. Heard the learned Government Advocate appearing for the respondents on the submission made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case, this Court directs the respondents to consider the representation dated 24.09.2018 preferred by the petitioners, on merits and in accordance with law and to pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

stm/srk

To

1. State of Tamilnadu, Represented by its Secretary,
Backward Classes, Most Backward Classes and Minorities,
Welfare Department, Secretariat, Chennai-9.
2. The Director, Directorate of Backward Classes Welfare
Department, Ezhilagam, Chepauk, Chennai-600 005.
3. The Principal Secretary/Commissioner,
Backward Classes Welfare Department,
Ezhilagam, Chepauk, Chennai-5.
4. The District Backward and Minorities Welfare Officer,
Office of the District Backward and Minorities Welfare
Officer, Erode District.

+7cc to M/s.C.Neethimozhi, Advocate SR.No.89977

+1cc to Government Pleader SR.No.90032

W.P.No. 29129 of 2018

GMV (28/01/2019)



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