



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018
CORAM :
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.13033 of 2018

WEB COPY

A.Pappa

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary,
Welfare of Differently Abled Persons Department,
Secretariat,
Fort St. George, Chennai - 600 009.

2.The State Commissioner,
Commissionerate for the welfare of Differently
Abled Persons Department,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

3.The District Welfare Officer of Differently
Abled Persons,
Office of Welfare of Differently Abled Persons,
Collectorate, Korampallam,
Thoothukudi - 628 101.

... Respondents

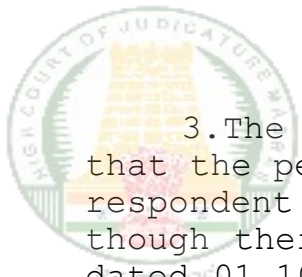
Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to place the petitioner in the "Special Time Scale of Pay" in the post of Sweeper from the date of issue of the Government Order in G.O.No.385 Finance (Salary) Department dated 01.10.2010 and grant all arrears of salaries with all consequential, monetary and service benefits.

For Petitioner : Mr.K.Vamanan
For Respondents : Mrs.S.Srimathy, Spl.G.P.

ORDER

The prayer sought for in this writ petition is for a writ of mandamus, directing the respondents 1 and 2 to place the petitioner in the "Special Time Scale of Pay" in the post of sweeper from the date of issue of the Government Order in G.O.No.385 Finance (Salary) Department dated 01.10.2010 and grant all arrears of salaries with all consequential, monetary and service benefits.

2.Heard Mr.K.Vamanan learned counsel for the petitioner and
<https://hcservices.ecourts.gov.in/hcservices/>
Mr.S.S.Srimathy, learned Special Government Pleader appearing for
the respondents.



3.The learned counsel appearing for the petitioner would submit that the petitioner had been working as Sanitary Worker at the third respondent office for several years on daily wages basis. Even though there is a government order in G.O.No.385 Finance Department dated 01.10.2010, the petitioner's service has not been regularised by bringing the petitioner under time scale of pay. Therefore, the petitioner has made a request on 10.08.2011 to the third respondent, which has been forwarded with recommendations by the third respondent to the second respondent on 18.08.2011. Thereafter, once again, the third respondent had sent another recommendation letter on 16.12.2014. In spite of these communications and recommendations having been made by the third respondent, the second respondent has not so far passed any order regularising the service of the petitioner by bringing her under time scale of pay. Therefore, the petitioner is before this Court.

4.I have heard the learned Special Government Pleader appearing for the respondents, who would submit that the said request of the petitioner dated 10.08.2011 as forwarded by the third respondent with recommendations dated 18.08.2011 as well as dated 16.12.2014 will be considered by the second respondent on merits and in accordance with law and an order to that effect would be passed, within a time frame.

5.Considering the said circumstances of the case, this Court is inclined to pass the following order:

"The second respondent is directed to consider the request of the petitioner dated 10.08.2011 along with the recommendation letters dated 18.08.2011 and 16.12.2014 of the third respondent, on merits and in accordance with law objectively and pass a reasoned order to that effect, with regard to the grievance of the petitioner and such order shall be passed, within a period of six 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.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Welfare of Differently Abled Persons Department,
Secretariat,
Fort St. George, Chennai - 600 009.



2.The State Commissioner,
Commissionerate for the welfare of Differently
Abled Persons Department,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

3.The District Welfare Officer of Differently
Abled Persons,
Office of Welfare of Differently Abled Persons,
Collectorate, Korampallam,
Thoothukudi - 628 101.

+1CC to Mr.K.Vamanan, Advocate, SR.No.69444
+1CC to the Special Government Pleader SR.No.69148

W.P (MD) No.13033 of 2018
20.06.2018

Arul
ES/SKN/RSK/SAR 1/01.11.2018/3P/6C