

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.479 of 2015

&

M.P.No.1 of 2015

- 1.The Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai - 09
 - 2.The Director General of Police,
Mylapore,
Chennai 4.
 - 3.The Commissioner of Police,
Chennai City,
Egmore, Chennai
- Appellants/Respondents

-vs-

K.Kondammal Respondent/Petitioner

Write Appeal filed under Clause 15 of Letter Patent against the order dated 21.06.2013 made in W.P.No.6750 of 2013 on the file of the High Court of Judicature at Madras.

Prayer in W.P.No.6750 of 2013: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.Ms.No.653 dated 07.08.09 in so far it regularizes the services of the petitioner herein prospectively and consequential order passed by the 3rd Respondent in Proceedings Na.Ka.No. Pa.Pi.2(2)/173/ 124172/2012 dated 19.12.2012 and quash both orders and consequently direct the Respondents to regularize the services of the petitioner herein in the permanent post of sweeper with effect from her initial dated of appointment by bringing her in the regular time scale of pay with all consequential and attendant service benefits in the light of the G.O.Ms.No.977 dated 12.10.2008.

For Petitioners: Mrs.A.Sri Jeyanthi
Special Government Pleader

For Respondent : Mr.M.Suresh

O R D E R

[Judgment of the Court was delivered by P.T.ASHA,J.]

The above Intra-Court appeal arises against the order of the learned single Judge in W.P.No.6750 of 2013 dated 21.06.2013, directing the 1st respondent to comply with the order in G.O.Ms.No.977 dated 12.10.2006 by granting the scale of pay of Rs.2,550/- - 3,200/- to the Writ petitioner for the post of sweeper on completion of 10 years of service and to pay the monetary benefits within a period of twelve weeks from the date of receipt of a copy of the order. The facts in brief are as follows:

2.The Government of Tamil Nadu regularized the services of the part time sweepers retrospectively as per the order in G.O.Ms.No.977, Home (Pol.XV) Department dated 12 October 2006. The benefit was extended to others, pursuant to the orders passed by the Court. The claim made by the respondents for extending the benefit to them was not considered. Though the other sweepers were all given the pay scale of Rs.2550.55-2660-60-3200, the respondents were given the pay scale of Rs.1300-3000 based on the Government Order in G.O.Ms.No.653 Home Police Department dated 7 August 2009. The learned Single Judge allowed the Writ Petition taking into account similar orders passed in the case of others and even by the Government.

3.Similar Issues had come up before the Division Bench in W.A.No.884 of 2014, W.A.Nos.491 and 559 of 2015. The Division Bench was pleased to direct the appellants to extend the benefit of the earlier order in G.O.Ms.No.977 dated 12 October 2006 to the respondents therein. The respondents herein are similarly situated. They are also entitled for regularization of their services and the scale of pay which was given to the other employees. The revised time scale of pay of Rs.1300-20-1600-25-2000 was fixed only for 1149 sweepers serving in the Police Department. However, other employees who were similarly situated were all given the pay scale of Rs.2550-3200. We are therefore of the view that the learned Single Judge was justified in allowing the Writ Petition.

4.We make it clear that though the appellants are also entitled to the pay scale indicated in the Government Order in

G.O.Ms.No.977 dated 12 October 2006, they would not be entitled to the differential wages for the earlier period. However, the pay scale will be taken note of for fixing all the other benefits.

The Writ Appeal is dismissed with the above clarification. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

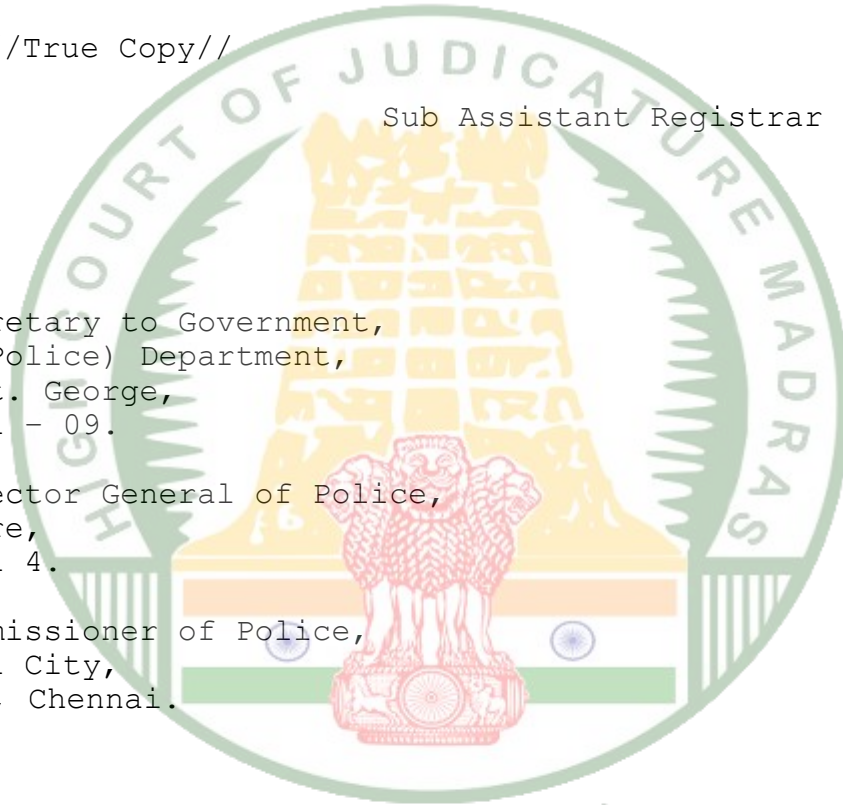
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Sub Assistant Registrar

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To,

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