

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
AND  
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.Nos.491 and 559 of 2015

1.Secretary to Government,  
Home (Police) Department,  
Fort St.George, Chennai.

2.The Director General of Police,  
Mylapore, Chennai

3.The Commissioner of Police,  
Chennai City,  
Egmore, Chennai

... Appellants /  
Respondent

versus

Anjalai

... Respondent in  
W.A.No.491 of 2015 /  
Petitioner

1.P.Akkammal  
2.Lilly  
3.J.Mary Violet  
4.P.Rosy  
5.L.Vijaya  
6.D.Kamala  
7.M.Lalitha  
8.Mary  
9.P.Kondammal  
10.Rajinamary  
11.Antony Samy  
12.M.Chandra  
13.Varadeswari  
14.Bakkyadoss

... Respondents in  
W.A.No.559 of 2015 /  
Petitioners

Appeal filed against the order passed by this Court dated  
17.06.2013 and 28.06.2013 in W.P.Nos.16104, 17583 of 2013,  
respectively.

Prayer in W.P.No.16104 of 2013 and W.P.No.17583 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in G.O.Ms.No.653, dated 07.08.2009 in so far it regularizes the services of the petitioner herein prospectively and to quash the same and consequently direct the respondents to regularize the services of the petitioner in the permanent post of sweeper with effect from her initial date of appointment by bringing her in the regular time scale of pay with all the consequential and attendant service benefits and pay all the retirement benefits including arrears in the light of the G.O.Ms.No.977, dated 12.10.2006.

For appellant : Mrs.A.Srijevanthi, Spl.G.P.

For Respondents : Mr.V.Prakash, Senior counsel,  
for Mr.M.Suresh

COMMON JUDGMENT

(made by K.K.SASIDHARAN, J.)

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. Feeling aggrieved by the said order, the State has come up with these intra court appeals.

2. We have heard the learned Special Government Pleader on behalf of the appellants and the learned Senior Counsel for the respondents.

3. Similar issue came up before the Division Bench in W.A.No.884 of 2014. 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 even 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.

5. The writ appeals are dismissed with the above clarification. No costs. Consequently, connected M.P.Nos.1 and 1 of 2015 are closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tar

To

1.The Secretary to Government,  
Home (Police) Department,  
Fort St.George, Chennai.

2.The Director General of Police,  
Mylapore, Chennai

3.The Commissioner of Police,  
Chennai City, Egmore, Chennai

+2 ccs to Mr.K.Sudalaikannu, Advocate, S.R.No.27007, 27005

+1 cc to the Government Pleader, S.R.No.27472

W.A.Nos.491 and 559 of 2015

NA(CO)  
SSM(12/06/2019)