

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15-02-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10250 of 2018

P.Kanthamani

.. Petitioner

- Vs. -

1. The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Additional Chief Secretary/Commissioner,
of Rural Development (Training),
Panagal Building,
Saidapet, Chennai-600 015.
3. The Principal/Joint Director,
Regional Institute of Rural Development and
Panchayat Raj (RIRD & PR),
Krishnagiri Dam,
Krishnagiri District - 635 101.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to immediately take steps based on the proposal sent by the third respondent vide its proceedings in Na.Ka.No.737/2012/Pa1 dated 28.3.2013, to grant special time scale of pay of Rs.1,300-3,000+Grade Pay of Rs.300/- with effect from 15.9.2010 as per G.O.Ms.No.385, Finance (Pay Cell) Department, dated 1.10.2010 with all consequential service and monetary benefits to the petitioner, who is a hard working Sweeper herein.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.

O R D E R

The relief sought for by the writ petitioner in the present writ petition is for a direction to direct the respondents 1 and 2 to take steps based on the proposal sent by the third respondent in proceedings dated 28.3.2013 to grant special time scale of pay with effect from 15.9.2010 as per G.O.Ms.No.385, Finance (Pay Cell) Department, dated 1.10.2010.

2. The learned counsel for the writ petitioner states that the writ petitioner was appointed as Sweeper on a consolidated pay from June 2008 onwards. The Government issued G.O.Ms.No.385, Finance Department, 1.10.2010, granting special time scale of pay to the temporary employees serving on consolidated pay.

3. The learned counsel for the writ petitioner further states that as per the said G.O.Ms.No.385, Finance Department, 1.10.2010, the writ petitioner is entitled to get the special time scale of pay with effect from 15.9.2010. However, the claim of the writ petitioner has not been considered. Thus, the present writ petition is filed by the writ petitioner.

4. The learned Special Government Pleader, appearing on behalf of the respondents, states that G.O.Ms.No.385, Finance (Pay Cell) Department, dated 1.10.2010, all Sweepers whether on consolidated pay or daily wages, who have completed three years of service are eligible for special time scale of pay of Rs.1,300-3,000/-+Grade Pay of Rs.300/- with effect from 15.2.2010. But as per the Government Order, the writ petitioner has not completed three years as on 15.9.2010. Thus, the writ petitioner is not eligible to avail the benefit of special time scale of pay granted as per the Government Order issued in G.O. Ms. No. 385, Finance (Pay Cell) Department, dated 1.10.2010.

5. However, the learned counsel for the writ petitioner states that now the writ petitioner has already completed 11 years of service and therefore, she is entitled to get the special time scale of pay. This Court is of an undoubted opinion that as per the Government Order issued in G.O.Ms.No.385, Finance (Pay Cell) Department, dated 1.10.2010, the writ petitioner would be eligible to avail the benefit of special time scale of pay on completion of three years of service.

6. Thus, the date of completion of three years of service is to be the criteria for the purpose of considering the case of the writ petitioner for the grant of special time scale of pay.

7. The abovesaid fact has not been denied by the

respondents. Even in the counter-affidavit filed by the third respondent, it is stated that the writ petitioner had not completed three years of service as on 15.9.2010. But subsequently, she had completed three years of service.

8. Thus, the case of the writ petitioner is directed to be considered on completion of three years of service from the date of her appointment for the purpose of extending the benefit granted in G.O. Ms. No.385, Finance (Pay Cell) Department, dated 1.10.2010. The said exercise shall be done by the respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Principal Secretary to Government of Tamil Nadu, Rural Development and Panchayat Raj Department, Secretariat, Fort St. George, Chennai-600 009.
2. The Additional Chief Secretary/Commissioner, of Rural Development (Training), Panagal Building, Saidapet, Chennai-600 015.
3. The Principal/Joint Director, Regional Institute of Rural Development and Panchayat Raj (RIRD & PR), Krishnagiri Dam, Krishnagiri District - 635 101.

+1cc to Mr.M.Purushothaman, Advocate, S.R.No.14420
+1cc to the Government Pleader, S.R.No.15132

WP.No.10250 of 2018

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cs/13/03/2019