

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.03.2019

CORAM
THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.Nos.10235 of 2014 & 32030 and 32031 of 2016
& WMP.No.27779 of 2016

The Tamil Nadu Public Library Department Employees
Association C & D

No.737, LLA Building, Annasalai,
Chennai - 600 002.

Rep. by its State President
M.Rajeshkumar

..Petitioner in W.P.No.10235 of 2014

Tamil Nadu Government Public Library Officials Union,
Rep. by its State President,

P.Selvarasu,
737, Anna Salai,
L.L.A. Campus,
Chennai - 600 002.

.. Petitioner in W.P.No.32030 of 2016

A.Abdul Hameed

.. Petitioner in W.P.No.32031 of 2016

Vs.

1.The State of Tamil Nadu,
The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Public Libraries,
Directorate of Public Libraries,
Chennai - 600 002.

..Respondents in all W.Ps.

PRAYER IN W.P.NO.10235 OF 2014: This Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus to direct the respondents to pay salary to the Grade-III Librarian working in Local Library Authorities through Government Treasury as Government Salary, to enable the petitioners to draw the benefits of General Provident Fund, Special Provident Fund, Family Benefit Fund, New Health Insurance and Contributory Pension Scheme etc. that are available to regular Government servant drawing Government salary, within a time framed fixed by this Court.

COMMON PRAYER IN W.P.Nos.32030 & 32031 OF 2016:

This Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified mandamus to call for the records of the proceedings of the 1st respondent in G.O.Ms. No.133 School Education (K1) Department dated 12.07.2005 removing Village Librarians and Grade-III Librarians of the 2nd respondent Department from being State Government Employees to that as employees of the Local Library Authorities, which is in violation of the provisions of the Tamil Nadu Public Libraries Act, 1948 further amended by the Tamil Nadu Public Libraries (Amendment) Act, 2001 and quash the same as illegal and consequently, direct the 2nd respondent to make payment of salaries and benefits directly to the employees in accordance with G.O.Ms.No.820 dated 03.06.1982 by the erstwhile Department of Education Science & Technology.

For petitioner in
W.P.No.10235 of 2014 : Mr.G.Sankaran

For petitioner in
W.P.Nos.32030 & 32031
& 2016 : Mr.M.Purushothaman

For Respondents : Mr.K.Karthikeyan
Govt. Advocate (Edn.)

COMMON ORDER

Two Writ petitions have been filed by the Association and one of the writ petition has been filed by the individual employee, to quash the Government Order in G.O.Ms.No.133, School Education (K1) Department, dated 12.07.2005.

2. The common issue involved in these writ petitions are that, by virtue of G.O.Ms.No.133, the government has removed the Village librarians and Grade-III Librarians from being State Government Employees to that as employees of the Local Library Authorities. By G.O.Ms.No. 820 dated 03.05.1982, the State Government has amended the provisions of Tamil Nadu Public Libraries Act, 1948 called as Tamil Nadu Public Libraries (Amendment) Act, 2001 with effect from 01.04.1982, by which, the persons employed in every Local Library Authority in the post specified in the schedule shall become whole time Government servant on and from 01.04.1982. The post of Librarian Grade-III is one among the posts provincialised. As per the amendment to the provisions of the Act with effect from 01.04.1982, the grade III librarians are entitled to receive salary from Government Treasury. Subsequently, Government issued orders in G.O.Ms.No.133 dated 12.07.2005 wherein, it is stated that 906 librarians are funding out of LLA fund and Grade III librarians

working therein ought to be paid with salary from LLA Fund. Even though the post of Grade III Librarian being provincialized as whole time Government servant and made eligible to draw Government salary from Government Treasury, the aforesaid Government order has been passed. The drawal of salary from LLA Fund caused serious prejudice to the interest of Grade-III Librarians since they are not extended with benefits available to a regular Government Servant drawing Government salary. Grade III Librarians are also entitled to General Provident Fund, Family Benefit Fund, Contributory Pension Scheme, Special Provident Fund 2000 and New Health Insurance which have been denied to the Grade III employees. Therefore, the aforesaid writ petitions have been filed. Though the prayer sought for in both the writ petitions are different, the relief sought for in both the writ petitions are one and the same.

3. The learned Government Advocate appearing for the respondents would contend that, the writ petitions filed by the Association is not maintainable as the employees of the library are working under the second respondent are the members of the association. Therefore, the said writ petitions are liable to be rejected, insofar as the associations are concerned. Insofar as writ petition No.32031 of 2016 filed in the individual capacity is concerned, he would further submit that a proposal had been sent to the Government to remove the parity amount to the employees and the said proposal is pending under consideration before the Government.

4. In the light of the said submissions made the learned Government Advocate, since the said proposal in ந.க.எண்.1133/அ1/199 dated 13.02.2019 from the Director of Public Libraries, Chennai is now pending before the Government for consideration, at this stage, this Court directs the first respondent to consider the proposal of the Director of the Public Librarians, the second respondent herein on the basis of the representation given by the petitioners associations as well as the individual concerned and to pass orders in accordance with law as early as possible, preferably within a period of four months from the date of receipt of a copy of this order.

5. With the above directions, these writ petitions are disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Public Libraries,
Directorate of Public Libraries,
Chennai - 600 002.

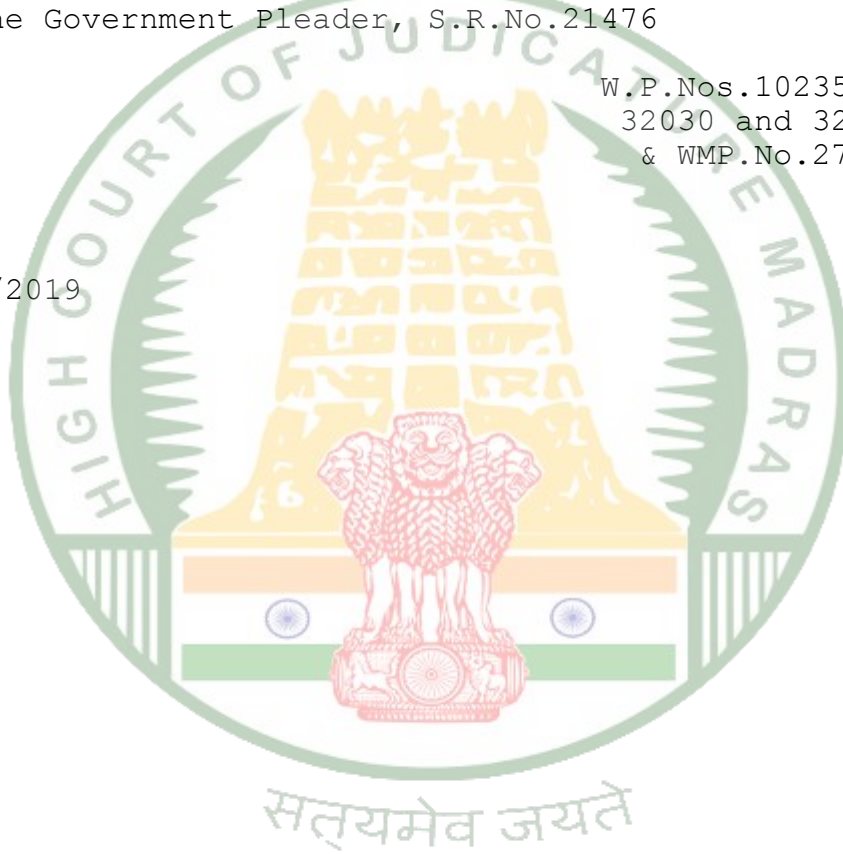
+2ccs to M.Purushothaman, Advocate, S.R.No.21071 & 21070

+1cc to the Government Pleader, S.R.No.21476

W.P.Nos.10235 of 2014 &
32030 and 32031 of 2016
& WMP.No.27779 of 2016

PP(CO)

rrs 27/03/2019



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