

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24027 of 2019

1.G.Maheswari
2.Ayisha Bee
3.Jayanthi

... Petitioners

Vs.

1.The Secretary to Government
School Education Department
Secretariat, Chennai 600 009

2.The Director of School Education
D.P.I. Campus, College Road
Nungambakkam
Chennai

3.The Chief Educational Officer
Cuddalore District
Cuddalore

4.The District Education Officer
Cuddalore District
Cuddalore

5.The Block Development Officer
Mel Bhuvanagiri Post
Buuvanagiri Taluk
Cuddalore District

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to absorb the petitioners in regular time scale of pay in the existing vacancies within a reasonable time in the light of G.O.Ms.No.111 School Education (R-1) Department dated 09.05.2012 with all consequential benefits and fix the time scale of the petitioners within stipulated period.

For Petitioners : Mr.S.Saravana Kumar

For Respondents : Ms.P.Kavitha,
Government Advocate

O R D E R

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioners is that the petitioners are working as part time sweepers in various schools in Cuddalore District for more than 15 years and they are appointed by the Head Masters of respective schools and they have been paid only Rs.125/- per month as consolidated pay. Hence, the petitioners made a representation to the 5th respondent on 18.09.2018 on the basis, the 5th respondent forwarded letter to the Collector, Cuddalore District to increase the salary as per the G.O.Ms.No.191, Finance (Pay Cell) Department dated 29.04.1998 and the 5th respondent also issued another letter dated 01.03.2013 to the Collector, mentioning that the employees who have been completed three years of service to be paid consolidated pay. The Tamil Nadu Government had issued in G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010, announcing a special time scale of pay for the employees who are working on daily wages or on consolidated pay for more than three years, by fixing the time scale of pay Rs.1300-3000 + Grade pay of Rs.300 with effect from 15.09.2010 but the same was not considered. The petitioners have also made a representation to the respondents to absorb them in regular time scale of pay. Hence, this petition.

3.The learned counsel appearing for the petitioners submitted that, it would suffice if a direction is issued to the respondents to consider the representation of the petitioners, within a reasonable time fixed by this Court.

4.The learned Government Advocate accedes to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondent to consider the representation of petitioners within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are hereby directed to enclose a copy of the representation along with the copy of this order to enable the respondents to consider their representation and pass appropriate orders on merits and in accordance with law.

6.With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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AKM/18.12.19/3P-6C /

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सत्यमेव जयते

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