

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.27885 of 2019
and W.M.P.No.27452 of 2019

1.M.Arumugam

2.M.Kannamal

3.P.Shanmugakani

4.M.Chinnakani

5.I.Tamimul Ansari

6.M.Rajamani

7.M.Thangavelu

8.N.Palanikumar

9.A.Thomas

10.N.Meena

...Petitioners

vs

1.State of Tamil Nadu
Rep. by the Principal Secretary to Government
Home Department
Secretariat
Fort St. George
Chennai-600 009.

2.Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-600 004.

3.Inspector General of Police
Armed Force Battalion
Office of the Inspector General of Police
Trichy-12.

4.Commandant
Office of the Commandant
TSP XII Battalion
Mannimutharu
Thirunelveli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.Ms.No.400, Home [POL.XV) Department, dated 07.06.2012 insofar as Special Time Scale to the post of sweeper is concerned, quash the same as illegal, arbitrary and consequently, direct the respondents to fix the Regular Time Scale Pay to the petitioners appointed based on G.O.Ms.No.400, dated 07.06.2012 on par with scavengers in school education department, who are receiving Regular Time Scale of Pay of Rs.4,800 + 1,300 as Grade Pay and pay the salary from the date of appointment.

For Petitioners : Mr.L.P.Maurya

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

O R D E R

Writ Petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.Ms.No.400, Home [POL.XV) Department, dated 07.06.2012 insofar as Special Time Scale to the post of sweeper is concerned, quash the same as illegal, arbitrary and consequently, direct the respondents to fix the Regular Time Scale Pay to the petitioners appointed based on G.O.Ms.No.400, dated 07.06.2012 on par with scavengers in school education department, who are receiving Regular Time Scale of Pay of Rs.4,800 + 1,300 as Grade Pay and pay the salary from the date of appointment.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioners submitted that the petitioners were appointed as sweepers on various dates in the year 2013 through employment exchange in Tamil Nadu Special Police XII Battalion, Manimuthar, as per

G.O.Ms.No.400, Home [POL.XV) Department, dated 07.06.2012. In the said G.O., the Government has sanctioned 558 posts of sweepers exclusively for Police offices functioning in through out Tamil Nadu for sanitary workers. Out of these posts, the Government has sanctioned 15 posts for Tamil Nadu Special Police XII Battalion, Manimuthar, exclusively with the Special Time Scale of Pay of Rs.1300-3000 + Grade Pay Rs.300/-. However, in similar circumstance, the similarly situated persons working in the School Education Department filed W.P.(MD).No.17663 of 2014 before the Madurai Bench of this Court challenging G.O.Ms.No.47, dated 02.03.2012 insofar as Special Time Scale of Pay to the post of scavengers and quash the same as illegal and arbitrary and consequently direct the respondent therein to fix the regular time scale of pay to the scavengers appointed as per G.O.Ms.No.47, dated 02.03.2012 on par with the existing scavengers, who are receiving regular time scale of pay i.e., Rs.4,800/- + Rs.1,300/- as Grade Pay. This Court vide order dated 25.01.2018 allowed the said writ petition in favour of the petitioners therein. Challenging the said order, the respondent therein has preferred an appeal before the Division Bench of this Court in W.A.(MD).No.1584 of 2018 and the same was dismissed. In order to avail such benefit, the present writ petition is filed by the petitioners.

4.Learned Special Government Pleader appearing for the respondents filed draft counter affidavit dated 11.10.2019 and reiterated the averments made in the counter affidavit. He submitted that the petitioners were appointed as sweepers during the year 2013 with the Special Time Scale of Pay of Rs.1300-3000 + Grade Pay Rs.300/-, which is exclusively for Police Department. The petitioners are seeking relief for parity in pay on par with sweepers, scavengers and watchman in School Department, which is not applicable to them. He further submitted that regular sweeper posts with the time scale of pay of Rs.4800 + 1300 Grade Pay are existing in Government service under the head of Basic Government services. But the posts of petitioners were exclusively sanctioned by the Government with the Special Time Scale of Pay of Rs.1300-3000 + Grade Pay Rs.300/-. The petitioners could not be claimed the regular time scale of pay pertaining to the regular sweeper posts. The said posts cannot be equivalent to regular time scale of pay posts. Therefore, he prayed for dismissal of this writ petition.

5.Considering the facts and circumstance of the case, the very same issue was already dealt by the Madurai Bench of this Court vide order dated 25.01.2018 made in W.P.(MD).No.17663 of 2014 and subsequently, the same was confirmed by the Division Bench of this Court. In view of the above order, the respondents

are directed to extend the same benefit to the petitioners herein.

6. Accordingly, the writ petition stands allowed on the above lines. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal secretary to Government
1. State of Tamil Nadu
Home Department
Secretariat
Fort St. George
Chennai-600 009.

2. Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai-600 004.

3. Inspector General of Police
Armed Force Battalion
Office of the Inspector General of Police
Trichy-12.

4. Commandant
Office of the Commandant
TSP XII Battalion
Mannimutharu
Thirunelveli District.

+1 cc to Government Pleader sr91784
+10 cc to M/s. L.P. Maurya Advocate sr91065

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