

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :19.09.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 27668 & 27670 & 27671 & 27673 & 27674 to 27677 & 27679,
27680 & 27682 & 27684, 27686, 27687, 27691, 27692 & 27696 of
2019

and

W.M.P.Nos. 27185, 27188, 27190, 27191, 27194, 27196 to 27198,
27200, 27201, 27204, 27207, 27209, 27210 to 27212 & 27216 of
2019

R.Prabhu	..Petitioner	W.P.No. 27668	of 2019
A.Anand	..Petitioner	W.P.No. 27670	of 2019
D.Natchatram	..Petitioner	W.P.No. 27671	of 2019
R.Selvi	..Petitioner	W.P.No. 27673	of 2019
A.Senthil	..Petitioner	W.P.No. 27674	of 2019
M.Selvam	..Petitioner	W.P.No. 27675	of 2019
T.Selvam	..Petitioner	W.P.No. 27676	of 2019
S.Chandru	..Petitioner	W.P.No. 27677	of 2019
T.Muthian	..Petitioner	W.P.No. 27679	of 2019
M.Periyasamy	..Petitioner	W.P.No. 27680	of 2019
A.Chellam	..Petitioner	W.P.No. 27682	of 2019
P.Murugan	..Petitioner	W.P.No. 27684	of 2019
M.Periyasamy	..Petitioner	W.P.No. 27686	of 2019
K.Palanisamy	..Petitioner	W.P.No. 27687	of 2019
K.Kamaraj	..Petitioner	W.P.No. 27691	of 2019
K.Govindaraj	..Petitioner	W.P.No. 27692	of 2019
N.Jothikumar	..Petitioner	W.P.No. 27696	of 2019

Vs

1. Government of Tamil Nadu,
rep. by Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

2. The Director for Adi Dravidar,
and Tribal Welfare,
Chepauk, Chennai 600 005.

3. District Adi Dravidar and Tribal Welfare Officer,
Salem 636 001. .. Respondents in all Wps.

Common Prayer: Writ Petitions filed under Article 226 of the
Constitution of India praying to issue a Writ order or direction
in the nature of writ of Certiorarified Mandamus, to call for

the records of the First respondent relating to G.O.Ms.No.26, Adi Dravidar & Tribal Welfare (ADW) Department, dated 25.02.2011, to the limited extent of Para 4 thereof fixing special time Scale of Pay of full time Sanitary Workers as Rs.2500-5000+GP Rs.500/-, to quash the same as unconstitutional and to issue consequential directions to the Respondents to grant the pay scale to the petitioner in the pay scale of Rs.4800-10000+G.P.Rs.1300/- from the date of his initial appointment, grant all consequential monetary benefits with effect from the said date and to forthwith provide promotional opportunities to the petitioner.

For Petitioners : Mr.M.Ravi
(in all Writ Petitions)
For Respondents : Mr.K.S.Suresh
Government Advocate
(in all Writ Petitions)

O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

2. The case of the petitioners is that the petitioners was initially appointed as Full-Time Sanitary Worker in the 1st respondent Department.

3. The petitioners', who served in the post of Scavengers having being regularised with effect from the respective dates of their initial appointment is that they are being granted much lesser scale of pay i.e., Rs.4500/- Rs.5000/- + Rs.500/- in comparison to the other scavengers who render the same duties, but appointed prior to 25.02.2011, whose scale of pay is Rs.4800/- Rs.10,000/- + GP Rs.1300/- is in violation of the principle of equal pay for equal work has not been redressed, despite representations. The authority have informed that G.O.Ms.No. 26, Adi Dravidar and Tribal Welfare (ADW.4) Department, dated 25.02.2011 has provided that these sanitary workers have been placed on a special scale of pay. Hence, they cannot claim priority of pay. Exactly, similar provisions placing the sanitary workers of the School Education Department contained in G.O.Ms.No.47, School Education (RT) Department, dated 02.03.2012 provides the same special scale of pay (lesser pay) was struck down by this Court by Judgment dated 25.01.2018 in W.P(MD)No. 17663/2014 and confirmed by the Hon'ble Division Bench by Judgment dated 29.01.2019 in W.A(MD)No. 1584/2018 and the Judgment having been implemented by the Government vide G.O.Ms.No.50, School Education Department, dated 08.03.2019, the petitioners are also entitled for such revision of pay with

effect from the date of initial appointment and not from the date of rectification of anomaly.

4. The learned counsel for the petitioners would further submit that it would be suffice if this Court issues direction to the respondents to consider the petitioners' representation dated 20.06.2019 within a time frame.

5. Without expressing any opinion on merits, I am inclined to issue a directions to the respondents to dispose of the Writ Petitioners' representation dated 20.06.2019, within a period of twelve weeks from the date of receipt of a copy of this order. With the above directions, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

kmm

To

1. Principal Secretary, Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
2. The Director for Adi Dravidar,
and Tribal Welfare,
Chepauk, Chennai 600 005.
3. District Adi Dravidar and Tribal Welfare Officer,
Salem 636 001.

+1CC to Mr.M.Ravi, Advocate, SR.No.81476.
+1CC to SPL.GP, SR.No.81544.

W.P.Nos. 27668, 27670, 27671, 27673,
27674 to 27677, 27679, 27680, 27682, 27684,
27686, 27687, 27691, 27692 & 27696 of 2019

CP(CO)
CSR: 06/01/2020