

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28640 of 2019

and

W.M.P.No.28434 of 2019

1.N.Nedhaji
2.S.Rajive Gandhi
3.C.Mohan
4.S.Venkatesan
5.D.Saravanan

.. Petitioners

Vs.

1. The Secretary,
The Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Adi Dravidar Welfare,
Office at Chepauk,
Chennai - 600 005.

3. The District Adi Dravidar Welfare Officer,
Vellore, Vellore District - 632 009.

.. 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 extend the benefit of G.O.Ms.No.50, School Education (Pa.Ka.4(1) Department dated 08.03.2019 to the petitioners herein so as to enable them to get regular time scale of pay of Rs.4800-10000-1300 Grade Pay by considering their representation dated 08.04.2019.

For Petitioners : Mr.Chellapandian
Senior Counsel for
Mr.S.Mani

For Respondents : Mrs.R.Janaki
Additional Government Pleader

ORDER

The Writ Petition is filed for a direction to the respondents 1 and 2 to extend the benefit of G.O.Ms.No.50, School Education (Pa.Ka.4(1) Department dated 08.03.2019 to the petitioners herein so as to enable them to get regular time scale of pay of Rs.4800-10000-1300 Grade Pay by considering their representation dated 08.04.2019.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned senior counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

4.The case of the petitioners is that the petitioners were appointed as Sweepers on consolidated pay in the year 2015 through employment exchange. Subsequently, their services were regularised and they were brought into special time scale of pay in the year 2017. While being so, similarly placed persons like petitioners filed W.P.(MD).No.17663 of 2014 before the Madurai Bench of this Court for a direction to appoint the petitioners therein as I per G.O.(Ms).No.47, School Education (R-1) Department, dated 02.03.2012 on par with scavengers working in Education Department from the date of their initial appointment. Aggrieved by the order passed by the Madurai Bench of this Court dated 25.01.2018, the petitioners therein preferred an appeal in W.A.(MD).No.1584 of 2018 and the Division Bench of the Madurai Bench of this Court by the order dated 29.01.2019, dismissed the appeal. Thereafter, the Government by implementing the order dated 25.01.2018 passed in W.P.(MD).No.17663 of 2014, passed a Government Order in G.O.(Ms).No.50, School Education Department, dated 08.03.2019, in which the services of about 1694 scavengers out of 2213 scavengers were brought into regular time scale of pay. In order to avail such benefit, the similarly placed persons made a representation dated 08.04.2019 to the respondents seeking the benefit of G.O.(Ms).No.50, School Education Department, dated 08.03.2019. However, till date the representation dated 08.04.2019 sent by the petitioners was not considered by the respondents, for which, the petitioners have come out with the present Writ Petition.

5.The learned counsel for the petitioner would submit that without going into the merits of the case it would be suffice to issue direction to the respondents to consider the representation dated 08.04.2019 sent by the petitioners and pass appropriate orders.

6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue direction to the respondents to consider the representation dated 08.04.2019 sent by the petitioners and pass orders on the same in accordance with law, if the G.O.(Ms).No.50 is applicable to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Director of Adi Dravidar Welfare,
Office at Chepauk,
Chennai - 600 005.
3. The District Adi Dravidar Welfare Officer,
Vellore, Vellore District - 632 009.

+1cc to Mr.S.Mani, Advocate, S.R.No.83404

+1cc to the Government Pleader, S.R.No.83988

W.P.No.28640 of 2019

MP(CO)
CS/03/12/2019

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