

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 31011 of 2019

and

WMP.No.31109 of 2019

J.Kumarakuru

... Petitioner

Versus

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

2.The Director of Public Libraries,
Anna Salai,
Chennai -2

3.The District Library Officer
Vellore District, Vellore.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to provide a special time scale of pay of Rs.2500-5000 + 500GP to the petitioner in the post Village Librarian instead of daily wage as per G.O.Ms.No. 308 School Education (K1) Department dated 30.11.2009 or to consider the case of the petitioner for appointment to the post of Village librarian by way of transfer as per the G.O.1(D) No. 156 dated 10.09.1996 by granting relaxation and appoint the petitioner as Village Librarian at Village Library Valarpuram Arakkonam Taluk Vellore District.

For Petitioner : Mr.B.Saseetharan

For Respondents: Ms.P.Kavitha,
Government Advocate.

ORDER

This Writ petition has been filed seeking to direct the respondents to provide a special time scale of pay of Rs.2500-

5000 + 500GP to the petitioner in the post Village Librarian instead of daily wage as per G.O.Ms.No. 308 School Education (K1) Department dated 30.11.2009 or to consider the case of the petitioner for appointment to the post of Village librarian by way of transfer as per the G.O.1(D) No. 156 dated 10.09.1996 by granting relaxation and appoint the petitioner as Village Librarian at Village Library Valarpuram Arakkonam Taluk Vellore District.

2.The case of the petitioner is that he was appointed as Village Librarian on 14.12.2004, on daily wage basis at Valarpuram, Arakkonam Taluk, Vellore District and he worked till 31.08.2012. After a brief break of two months, he was again appointed on 08.10.2012 to the same post at the above said place. It is the contention of the petitioner that as per G.O.1 (D).No.156, dated 10.09.1996, the post has to be filled-up, but the respondent did not follow the above said G.O, and appointed him as daily wage worker, though the petitioner possessed the eligible educational qualification for the post of village librarian and he has worked 18 years in the same post as a daily wage with meager salary. Therefore, the petitioner made a representation before the respondents to appoint him in a regular capacity and to provide him time scale of pay, but, till date no orders has been passed by the respondents. Hence, the petitioner has come up with this present Writ petition to claim permanency.

3.Heard both sides and perused the available materials on record.

4.It is seen from the records that the petitioner approached the District Library Officer claiming permanency. Regarding the same issue, the District Library Officer had already informed vide his proceedings dated 29.07.2019 that there is no provision to appoint the petitioner in the permanency post. Hence, the respondents did not pass any orders in respect of the representation made by the petitioner.

5.On appreciation of the above facts, this Court is of the view that when the petitioner was appointed on contract basis, for a specified period, interference of this Court is not warranted.

6.The learned counsel for the petitioner, however, contended that G.O.1(D).No.156, dated 10.09.1996 provides for appointment of part time Librarians on consolidated pay, as Village Librarian. The qualification prescribed is +2, Degree with C.L.I.S and the petitioner is having the same qualification.

Further, learned counsel for the petitioner submitted that as per the G.O.Ms.No.308, dated 30.11.2009 provides for special time scale pay of Rs.2500 - 5000 + 500GP and the petitioner is having 15 years working experience in the said post. Therefore, the respondents may be directed to consider the representation dated 14.08.2019 of the petitioner.

7.In view of the limited relief sought for, this Court is of the view that it is not necessary to delve into the merits of the issue, but it would suffice to direct the respondents to consider the representation submitted by the petitioner on 14.08.2019 and pass orders on the same within a particular time frame.

8.With the above directions, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 14.08.2019 and pass orders thereon, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

klt

To

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

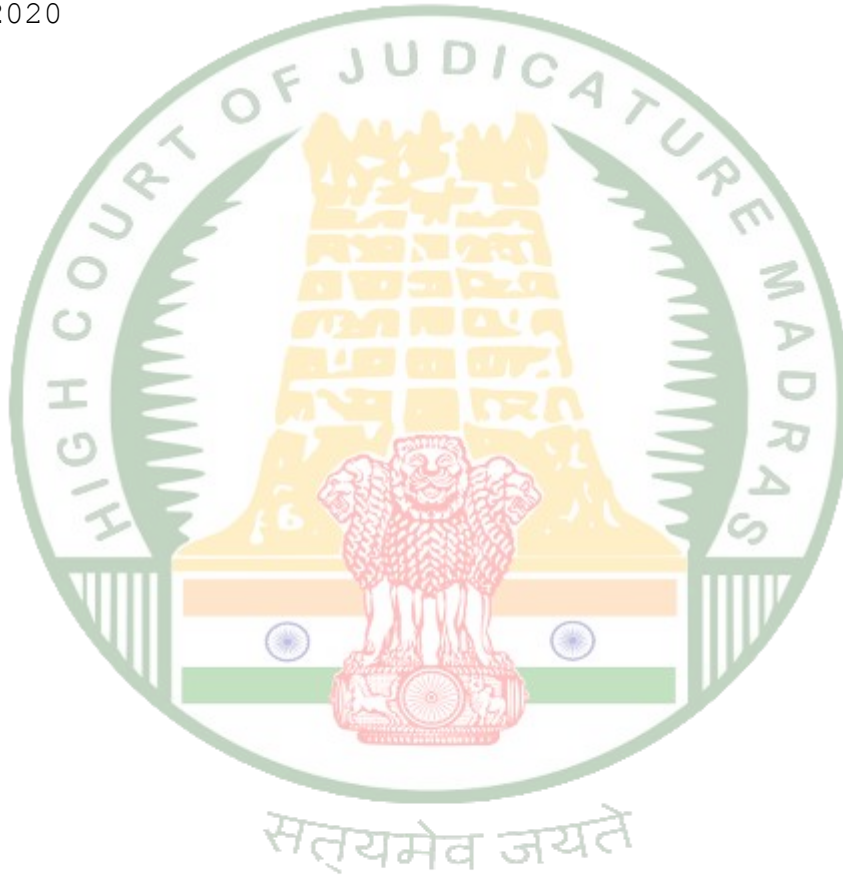
- 2.The Director of Public Libraries,
Anna Salai,
Chennai -2

3.The District Library Officer
Vellore District, Vellore.

+1cc to Government Pleader SR.NO. 97088
+1cc to Mr.B.Saseetharan, Advocate sr.96669

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