



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.6629 of 2019

S.Sundaravalli

... Petitioner

vs.

1.The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of Higher Education,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, EVK Sambath Maligai,
College Road, Chennai-600 006.

3.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai - 625 021,
Madurai District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to provide Special Time Scale of Pay to the petitioner by considering the petitioner's representation dated 03.07.2018 in the light of G.O.(Ms)No.385, Finance (Pay section) Department, dated 01.10.2010 and in the light of the order passed by the Division Bench in W.A.(MD)No.131 of 2019, dated 01.02.2019 within a stipulated time as fixed by this Court.

For Petitioner	: Mr.S.Louis
For Respondents	: Mr.S.Angappan Government Advocate for R.1 and R.2
	: Mr.K.Ragatheesh Kumar for M/s Isaac Chambers for R.3

ORDER

The Writ Petition is filed seeking a direction to the respondents to provide Special Time Scale of Pay to the petitioner by considering the petitioner's representation dated 03.07.2018 in the light of G.O.(Ms)No.385, Finance (Pay section) Department, dated 01.10.2010 and in the light of the order passed by the



Division Bench in W.A.(MD)No.131 of 2019, dated 01.02.2019 within a stipulated time as fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned Counsel appearing for the third respondent and perused the materials available on record.

3. The case of the petitioner is that she is working as a Scavenger-Toilet Cleaner on consolidated basis at Madurai Kamaraj University Constituent College, Andipatti, from 2013 onwards. According to the petitioner, as per G.O.(Ms) No.385, dated 01.10.2010, a Scavenger - Toilet clear, who has completed more than 3 years, is eligible to get the special Time Scale of Pay. Hence, the petitioner gave a detailed representation dated 03.07.2018 to the respondents seeking Special Time Scale of Pay. However, the same has not been considered so far. Therefore, the petitioner has approached this Court by filing this Writ Petition.

4. The learned Counsel appearing for the petitioner submitted that in a similar case of a Sanitary Worker in the School Education Department, the Division Bench of this Court has ordered for providing Special Time Scale of Pay in W.A.(MD)No.131 of 2019, dated 01.02.2019. Hence, he prayed for appropriate orders.

5. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the representation of the petitioner would be considered by the first respondent, on merits, within a time frame as fixed by this Court.

6. In view of the above, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 03.07.2018 and pass appropriate orders on merits and in accordance with G.O.(Ms) No.385, dated 01.10.2010 and also in the light of the decision of this Court in W.A.(MD)No.131 of 2019, dated 01.02.2019, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, EVK Sambath Maligai,
College Road, Chennai-600 006.

3.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai - 625 021,
Madurai District.

+1CC TO MR.ISAAC CHAMBERS, Advocate Sr. No.60634

+1CC TO MR.S.LOUIS , Advocate Sr. No.60669

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.61008

W.P(MD)No.6629 of 2019
11.04.2019

KMR(CO)

TR (02.05.2019) 3P 7C