



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.9989 of 2019

and

W.M.P. (MD) No.7778 of 2019

M.Antony

... Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The Director,
Diary Development Department,
Madhavaram Milk Colony,
Chennai, Chennai- 600 051.

3.The Deputy Registrar (Dairying),
(Diary Development),
O/o.the Deputy Registrar,
Nagercoil, Kanyakumari 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 01.03.2019 in the light of the 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.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Murugan
Government Advocate**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 01.03.2019 in the light of the G.O.(Ms) NO.385 Finance(Pay Section) Department dated 01.10.2010 and also in the light of the Order passed by the Division Bench in W.A.(MD) NO.131 of 2019 dated 01.02.2019.



2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

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3. The case of the petitioner is that she is working as a Scavenger-Toilet Cleaner on consolidated basis in the office of the third respondent for the last 12 years. 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 01.02.2019 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 submitted that the representation of the petitioner would be considered by the respondents, 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 respondents are 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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

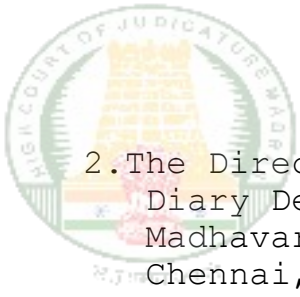
Assistant Registrar(Crl.Side)

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Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George,
Secretariat, Chennai - 600 009.



2.The Director,
Diary Development Department,
Madhavaram Milk Colony,
Chennai, Chennai- 600 051.

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3.The Deputy Registrar (dairying),
(Diary Development),
O/o.the Deputy Registrar,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-62906[F] dated 26/04/2019)

+1 CC to M/s.S.LOUIS, Advocate (SR-63065[F] dated 26/04/2019)

W.P (MD) No.9989 of 2019
and

W.M.P. (MD) No.7778 of 2019
25.04.2019

CS: 17/05/2019/3P/6C