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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.09.2019
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P.(MD) No.19344 of 2019

N.Thangaraj ... Petitioner

-Vs-

1.The Secretary to Government,
Home (Police) Department,
Secretariat, Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.The Commissioner of Police,
Subramaniapuram, Trichy-620 020.

4.The Inspector of Police,
Airport Police Station,
Trichy. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 23.08.2019 and pass order within a stipulated period as this Court may fix and to give to the petitioner salary at the regular scale of pay of Rs.4,800/- - 10,000 + Grade Pay Rs.1,300/- with effect from 26.11.2014 being the date of his joining duty.

For Petitioner : Mr.G.Nagalingam
For Respondents : Mr.V.Anand,
Government Advocate.

ORDER

Heard Mr.G.Nagalingam, learned counsel appearing on behalf of the writ petitioner and Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents.

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

3.This Writ Petition has been filed for a direction to direct the first respondent to consider the representation of the writ petitioner dated 23.08.2019, pass order and give salary of the writ petitioner at the regular scale of pay of Rs.4,800/- - 10,000 +

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Grade Pay Rs.1,300/- with effect from 26.11.2014 being the date of his joining duty.

4.The writ petitioner was appointed as Scavenger in the respondent Department on 28.02.2014 by the third respondent through employment exchange and now, working in the fourth respondent Station. His scale of pay is Rs.1300-3000+ Grade Pay Rs.300/-.

5.The grievance of the writ petitioner is that the Scavengers, who are working in the Education Department, are paid at present the regular scale of pay of Rs.4,800-10,000+ Grade Pay Rs.1300/- as per the order of this Court dated 25.01.2018, made in W.P.(MD)No.17663 of 2014. Therefore, the writ petitioner is also entitled for the same scale of pay. In this regard, the writ petitioner has also given a representation to the respondents on 23.08.2019. But, so far, no order has been passed. Hence, the writ petitioner has come out with the present Writ Petition.

6.Mr.V.Anand, learned Government Advocate appearing on behalf of the respondents made a submission that the writ petitioner has not furnished any details with regard to the nature of work done by the writ petitioner in Police Department as well as the nature of work done by the Scavengers, who are working in the Education Department.

7.In view of the above submission made by the learned Government Advocate, this Writ Petition stands dismissed with liberty to the writ petitioner to give a fresh representation to the respondents, giving particulars of the work done by the writ petitioner in the Police Department as well as the Scavengers, who are working in the Education Department, within a period of two (2) weeks from the date of receipt of a copy of this order. If such representation is received, the respondents are directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve (12) weeks thereafter. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Home (Police) Department,
Secretariat, Chennai-600 009.

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3.The Commissioner of Police,
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4.The Inspector of Police,
Airport Police Station,
Trichy.

+1 CC to SPL.GP (SR-85887[F] dated 09/09/2019)
+1 CC to MR.G.PADMANABAN, Advocate (SR-86032[F] dated 10/09/2019)

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