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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD)No.13499 of 2014
and
M.P.(MD).No.1 of 2014

P.Pappu ... Petitioner

Vs.

1. The State represented by the
   Secretary to Government,
   Rural Development Department,
   Secretariat, Chennai-9.

2. The District Collector,
   Collectorate,
   Ramanathapuram Post & District,

3. The Commissioner,
   S.Pudur Panchayat Union,
   S.Pudur Post,
   Thiruppathur Taluk,
   Sivaganga District. ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to absorb the petitioner in regular time scale either as Sweeper or Masalji or any other equivalent cadre in Basic Service as per the orders issued by the Government in G.O.Ms.No.385 Finance(Salaries) Department, dated 01.10.2010 and regularize the services of the petitioner with all attendant and monetary benefits.

For Petitioner : Mr.M.Saravanakumar
For R1 and R2 : Mr.S.Dhayalan
Government Advocate
For R3 : No appearance

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to absorb the petitioner in the regular time scale either as Sweeper or Masalji or any other cadre in Basic Service as per the orders issued by the Government

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in G.O.Ms.No.385 Finance(Salaries) Department, dated 01.10.2010.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner was appointed as Sweeper in Panchayat Union on consolidated pay and the petitioner is continuously working in the consolidated pay salary. The Government issued an order in G.O.Ms.No.385 dated 01.10.2010 for grant of special time scale of pay to these temporary employees, who all are serving for more than three years. It is further states that the benefit of special time scale of pay has not been extended to the writ petitioner.

3.This Court is of the considered opinion that these consolidated pay employes, who were not appointed in accordance with the recruitment rules in force, are not entitled for the benefit of regularization or permanent absorption. Thus, they cannot be granted with the regular time scale of pay as applicable to the permanent Government employee. However, a special time scale of pay has been provided to these temporary employees enabling them to get time scale of pay, in view of the fact that they are working for more number of years.

4.This being the spirit of the Government Order issued in G.O.Ms.No.385 Finance(Salaries) Department, dated 01.10.2010, the case of the writ petitioner is also to be considered for the purpose of grant of time scale of pay, if the writ petitioner is otherwise eligible and qualified for grant of special time scale of pay.

5.Thus, the writ petitioner is directed to submit a fresh representation and the copy of the Government Order along with the orders passed in this writ petition and thereafter, the respondents are directed to consider the representation of the writ petitioner with reference to the G.O.Ms.No.385 Finance (Salaries) Department, dated 01.10.2010 and take a decision and pass orders on merit and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this Court.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,
   Rural Development Department,
   Secretariat, Chennai-9.

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   Collectorate,
   Ramanathapuram Post & District,

3. The Commissioner,
   S.Pudur Panchayat Union,
   S.Pudur Post,
   Thiruppathur Taluk,
   Sivaganga District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-76903[F] dated 23/07/2019)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-77098[F] dated 24/07/2019)

W.P.(MD)No.13499 of 2014
and
M.P.(MD).No.1 of 2014
22.07.2019

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