



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos. 20569, 20575, 20577, 20579, 20580, 20581, 20582, 20583,
20584, 20586, 20587, 20589, 20590 and 20591 of 2019
and
Connected miscellaneous petitions

K. Mariappan S/o.P.Kathiresan, Working as Sweeper, Assistant
Commissioner Office, Commercial Tax Department, Aruppukkottai,
Virudhunagar District

... Petitioner in WP(MD). 20569/ 2019

B. Senthilnathan S/o.O.S.Balasubramanian, Working as Sweeper,
Deputy Commissioner Office, Commercial Tax Department, Tirunelveli
-2

... Petitioner in WP(MD). 20575/ 2019

K. Alagiya Nambi S/o.K.Krishnan, Working as Sweeper, Commercial
Tax Office, Nanguneri, Tirunelveli-627 108

... Petitioner in WP(MD). 20577/ 2019

V. Rugmony W/o. R.Kumaresan, Working as Sweeper, Assistant
Commissioner Office, Commercial Tax Department, Kuzhithurai,
Kanyakumari District

... Petitioner in WP(MD). 20579/ 2019

P.Krishnan S/o.A.Ponnappa Pillai, Working as Sweeper, Assistant
Commissioner Office (Enforcement), Commercial Tax Department,
Nagercoil, Kanyakumai Dist

... Petitioner in WP(MD). 20580/ 2019

P.Mahesh S/o.G.Paramasivan, Working as Sweeper, Assistant
Commissioner Office, Commercial Tax Department, Thoothukudi-3
Circle, Thoothukudi District

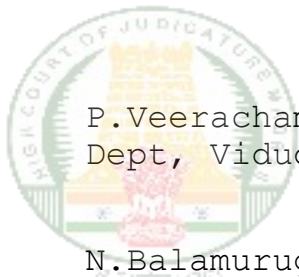
... Petitioner in WP(MD). 20581/ 2019

S. Subbaiah S/o. T.Sundaram, Working as Sweeper, Commercial Tax
Office, (Tower Junction), Nagercoil, Kanyakumari District

... Petitioner in WP(MD). 20582/ 2019

C.Ramamoorthy S/o.M.Chinnadurai, Asst Commissioner Office,
Commercial Tax Dept, Sattur 2 Circle at Sivakasi, Vidudhunagar
District -626124

... Petitioner in WP(MD). 20583/ 2019



P.Veerachamy S/o.Pandi, Deputy Commissioner Office, Commercial Tax Dept, Vidudhunagar District -626001

... Petitioner in WP(MD). 20584/ 2019

N.Balamurugan S/o.K.Navaneethan, Asst Commissioner Office, Commercial Tax Dept, Sivakasi-2 Circle-626124 Vidudhunagar District

... Petitioner in WP(MD). 20586/ 2019

V.Seenivasan S/o.S.Velupillai, Working as Sweeper, Commercial Tax Office, Kovilpatti Circle-I, Thoothukudi District 628 501.

... Petitioner in WP(MD). 20587/ 2019

M.Antony Ammal W/o.V.Manichamy, Working as Sweeper, Commercial Tax Office, Kovilpatti Circle-2, Thoothukudi District 628 501.

... Petitioner in WP(MD). 20589/ 2019

V.Gnana Gurusamy S/o.S.Veerapandian, Working as Sweeper, Asst Commissioner Office, Commercial Tax Dept, Sivakasi-3 Circle-626124 Vidudhunagar District

... Petitioner in WP(MD). 20590/ 2019

G.Lakshmanan S/o.R.S.Ganndhi, Working as Sweeper,, Asst Commissioner Office, Commercial Tax Dept, Rajapalayam-1 Circle-626117 Vidudhunagar District

... Petitioner in WP(MD). 20591/ 2019

vs.

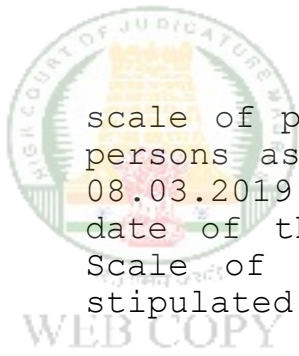
1.The State rep. by
The Additional Chief Secretary,
Commercial & Registration (A1) Department,
Secretariat, Chennai-9.

2.The Commissioner,
Sale Tax Department,
Elizhaham,
Cheppakkam,
Chennai-5.

3.The Joint Commissioner,
Commercial Tax,
Reserve Line Road,
Palayamkottai,
Tirunelveli-2.

... Respondents in all WPs

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the first respondent and quash the same and consequently direct the respondents to give the



scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No.50 School Education Department dated 08.03.2019 based on the order in W.P(MD)No.1584 of 2018, from the date of the petitioner's appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits within a stipulated time.

Prayer in WP(MD). 20575/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20577/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20579/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20580/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based



on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (18.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20581/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20582/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20583/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20584/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay

with all consequential monetary benefits



Prayer in WP(MD). 20586/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20587/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20589/ 2019 :

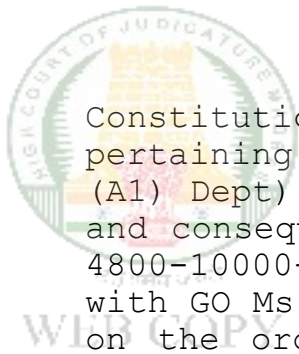
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20590/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

Prayer in WP(MD). 20591/ 2019 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court Calling for the records pertaining to G.O.Ms.(2d) No.68 (Commercial Tax and Registration (A1) Dept) dated 14.10.2016 of the 1st respondent and quash the same and consequently direct the respondents to give the scale of pay as 4800-10000-1300 GP as that of the similarly placed persons as par with GO Ms.No. 50 School Education Department dated 08.03.2019 based on the order in W.P(MD) No. 1584 of 2018, from the date of the petitioners appointment (23.11.2016) in the Special Scale of Pay with all consequential monetary benefits

For Petitioner : Mr.R.Lakshmanan
(in all WPs) for M/s.Isaac Chambers

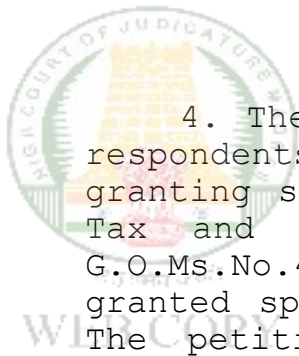
For Respondents : Mr.C.Ramar,
(in all WPs) Additional Government Pleader

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same and therefore, these Writ Petitions are heard together and disposed of by way of this common order.

2. According to the petitioners, they were appointed on various dates in the year 1998 as Scavengers on daily wage basis. After repeated representations, the Government passed impugned G.O.Ms.(2d) No.68, Commercial Tax and Registration (A1) Department, dated 14.10.2016, whereby the petitioners and others were brought on special time scale of pay of Rs.1300-3000+300 Grade Pay. The petitioners are receiving the special time scale of pay till date. According to the learned counsel for the petitioners, the persons, who are performing the same work, are paid salary in time scale of pay as 4800+10000+1300 Grade Pay. The petitioners gave representations in the month of August 2019 to grant the same scale of pay as paid to others and filed the present writ petitions.

3. The learned counsel appearing for the petitioners contended that this issue has already been considered by this Court in respect of Education Department. In the writ petition challenging the portion of G.O.Ms.No.47, School Education Department, dated 02.03.2012, whereby, the employees of Education Department carrying on the same work were granted special time scale of pay of Rs.1300-3000+300 Grade Pay, this Court directed the department to grant time scale of Pay of Rs.4800-10000+1300 Grade Pay to similarly placed employees. Against the said order, the respondents therein filed Writ Appeal in W.A(MD)No.1584 of 2018 and the same was dismissed by a Division Bench of this Court, by judgment dated 29.01.2019. Government issued Order in G.O.Ms.No.50, School Education Department, dated 08.03.2019 granting regular time scale of pay for the persons performing similar work like that of the petitioners herein.



4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioners were given appointment by granting special scale of pay as per G.O.Ms.(2d) No.68, Commercial Tax and Registration (A1) Department, dated 14.10.2016 and G.O.Ms.No.47, School Education Department, dated 02.03.2012 and was granted special time scale of pay of Rs.1300-3000+300 Grade Pay. The petitioners having accepted the same are not entitled to challenge the Government Order and prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioners and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. The petitioners have filed the writ petitions to quash the entire G.O.Ms.(2d) No.68, Commercial Tax and Registration (A1) Department, dated 14.10.2016. At the time of arguments, the learned counsel for the petitioners restricted the relief with regard to the portion of the Government Order fixing the special time scale of pay.

7. From the materials on record, it is seen that the petitioners were originally appointed as Scavengers on daily wage basis and subsequently, by impugned G.O.Ms.(2d) No.68, Commercial Tax and Registration (A1) Department, dated 14.10.2016, they were brought on special time scale of pay of Rs.1300-3000+300 Grade Pay. The respondents have not given any reason for not granting regular time scale of pay already given to the persons, performing the similar work. G.O.Ms.No. 47, School Education Department, dated 02.03.2012, issued in respect of employees of Education Department, who were brought on the same special time scale of pay of Rs.1300-3000+300 GP was challenged by the Association by filing writ petition in W.P(MD)No.17663 of 2014. This Court by order, dated 25.01.2018 considering the judgment of the Hon'ble Apex Court reported in **(2017) 1 SCC 148 State of Punjab and others vs. Jagjit Singh and others** allowed the said writ petition filed by the persons carrying on the same work. Challenging the validity of the said order, writ appeal in W.A.(MD)No.1584 of 2018 was filed by the respondent therein, which was dismissed and the said judgment was implemented by the Education Department by issuing Government Order. In such circumstances, the petitioners are also entitled to time scale of pay 4800+10000+1300 GP from the date of their appointment on G.O.Ms.(2d) No.68, dated 14.10.2016, as paid to the employees, who are performing the same work.

8. For the above reasons, the writ petitions are allowed. The petitioners are entitled to the benefits of pay revision and placement in the higher pay scale notionally from the date of their appointment with monetary benefits from the date of passing of this order. The respondents are directed to issue appropriate orders in



this regard within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

am

To

1.The Additional Chief Secretary,
Commercial & Registration (A1) Department,
Secretariat, Chennai-9.

2.The Commissioner,
Sale Tax Department,
Elizhaham,
Cheppakkam,
Chennai-5.

3.The Joint Commissioner,
Commercial Tax,
Reserve Line Road,
Palayamkottai,
Tirunelveli-2.

+14 CC to M/s.R.LAKSHMANAN, Advocate (SR-96116[F] dated
05/11/2019)

+1 CC to M/s.SPL GP (SR-96366[F] dated 06/11/2019)

**W.P (MD) Nos. 20569, 20575,
20577, 20579, 20580, 20581,
20582, 20583, 20584, 20586,
20587, 20589, 20590 and
20591 of 2019
05.11.2019**

JMN(09.12.2019) 8P : 19C