



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.781 of 2020

M.Natarajan

... Petitioner

vs.

1.The Secretary to Government
Government of Tamil Nadu
Home Department
Fort St.George
Chennai 600 009

2.The Director General of Police
Tamil Nadu Police Department
Mylapore
Chennai 600 004

3.The Superintendent of Police
Tirunelveli District
Tirunelveli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to consider the representation submitted by the petitioner, dated 22.10.2019 to reopen petitioner's CPS account and regularize the services of the petitioner as full time Sweeper in the District Police Office, Tirunelveli, from special time scale of pay and consequently fix the petitioner in regular time scale of pay of Rs.4800-10000+300 from 01.08.2009 and extend all benefits to the regular Government servants, within a time frame to be fixed by this Court.

For Petitioner : Mr.T.Chandrasekaran

For Respondents :Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

O R D E R

This Writ petition has been filed for a direction to the respondents to consider the representation submitted by the petitioner, dated 22.10.2019 to reopen his CPS account and regularise the service as full time Sweeper in the District Police Office, Tirunelveli, from special time scale of pay and consequently fix the regular time scale of pay of Rs.4800-10000+300 from 01.08.2009 and extend all benefits to the regular Government servants.

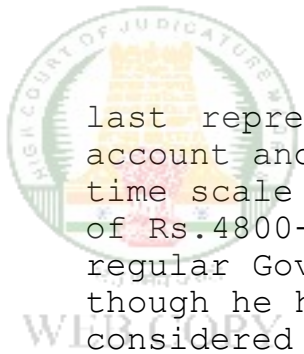
2.The learned Additional Government Pleader takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he was appointed as part time Sweeper in Tirunelveli District Police Office on 28.08.1993 and his salary was fixed at Rs.60/- per month. Thereafter, as per proceedings of the second respondent in Na.Ka.No.163919/Po.Ka.E2/2002, dated 02.07.2002 his salary was fixed at Rs.900/- as consolidated pay. He was allowed to continue as part time Sweeper for many years. While so, the first respondent issued G.O.Ms.No.653 (Police 15) Department dated 07.08.2009 for regularisation to such temporary employees who have served more than 10 years. However, the same was not given to the petitioner. Therefore, the petitioner made a representation to the respondents, dated 19.04.2018 for regularisation of his service as permanent Sweeper, but the respondents did not consider the representation of the petitioner. Against which, the petitioner filed a Writ petition in W.P(MD).No.14558 of 2018 before this Court seeking for a direction to the respondents to consider his representation for regularisation and this Court, by an order dated 06.07.2018, allowed the Writ petition and directed the respondents to consider the petitioner's representation on merits and in accordance with law, within a period of eight weeks. Thereafter, the first respondent passed an order in letter No.63926/Pol.XV/2018-5 dated 03.06.2019 stating that as per order of this Court, the post of Police Station Cleaners in Tirunelveli District were brought into the Special Time Scale of Pay of Rs.1300-3000+300 grade pay and their services were regularised with effect from 01.08.2009. After regularisation, the respondents had opened CPS account in Code No.700274733/Police on 01.08.2009. Now, the third respondent without giving any notice, stopped the petitioner's CPS account in his proceedings in Na.Ka.No.M3/94/034731/2019 dated 07.07.2019, stating that the petitioner is not treated as regular Government employee and the monetary benefits are applicable only to the regular employees. When the petitioner came to know the same, he made representation to the respondents seeking to reopen his CPS account and regularise the service, whereas, the representation of the petitioner has not been considered by the respondents. Thereafter, the petitioner made another detailed representation to the respondents, dated 22.10.2019 to reopen his CPS account and regularise the service and also extend all other benefits to the regular Government employees. Since the respondents have not taken any action so far, the petitioner is before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Perusal of record shows that without giving notice to the petitioner, the respondents stopped the CPS account of the petitioner and stated that the petitioner is not treated as regular Government employee. Aggrieved against the same, the petitioner made representations to the respondents on various dates and the



last representation, dated 22.10.2019, seeking to reopen the CPS account and regularise the service as full time Sweeper from Special time scale of pay and consequently fix the regular time scale of pay of Rs.4800-10,000+300 from 01.08.2009 and extend all benefits to the regular Government servants. The grievance of the petitioner is that though he has made several representations, the respondents have not considered the same. Hence, he prayed before this Court that a direction may be given to the respondents to consider his representation, dated 22.10.2019.

6.Considering the limited scope of prayer sought for in the Writ petition and considering the facts and circumstances of the case, it would be appropriate to direct the respondents to dispose of the representation of the petitioner, within a time frame. Accordingly, the respondents are directed to consider the representation of the petitioner, dated 22.10.2019 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msaTo

1.The Secretary to Government
Home Department
Fort St.George,Chennai 600 009

2.The Director General of Police
Tamil Nadu Police Department
Mylapore,Chennai 600 004

3.The Superintendent of Police
Tirunelveli District
Tirunelveli

+1 CC to M/s.T.CHANDRASEKARAN, Advocate (SR-1692[F]

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SMA/03/02/2020/3P/5C