

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7421 of 2021

K. Kavitha

... Petitioner

Vs

1. The State of Tamil Nadu
rep. by its Additional Chief Secretary to Government
Rural Development and Panchayat Raj Department
Fort St.George, Chennai 600 009.
 2. The Director of Rural Development and Panchayat Raj,
Rural Development and Panchayat Raj Department
Panagal Maligai, 4th & 5th floor,
Abdul Razzak St, Saidapet,
Chennai 600 015.
 3. The Project Director,
District Rural Development Agency,
Collectorate, Salem 636 001.
 4. The Block Development Officer (Block Panchayat)
Panchayat Union,
Omalur,
Salem District - 636 454.
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st and 2nd respondents to dispose of the representation dated 17.02.2021 given by the petitioner requesting for increasing the salary of the Sanitary Workers working in High Schools from Rs.2250/- per month and other reliefs sought for in the representation dated 17.02.2021 in accordance with law.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
for Ms.C.Uma

For respondents: Mr.P.V.Selvakumar
Additional Govt.Pleader for R1 & R2

Mr.Sathya Raj for R3

O R D E R

This writ petition has been filed directing the 1st and 2nd respondents to dispose of the representation dated 17.02.2021 given by the petitioner requesting for increasing the salary of the Sanitary Workers working in High Schools from Rs.2250/- per month and other reliefs sought for in the representation dated 17.02.2021 in accordance with law.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for respondents 1 & 2 and Mr.Sathyaraj, learned counsel takes notice for 3rd respondent. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The case of the petitioner is that the petitioner is working as a part time Sanitary Worker in Government High School, Palakuttapatty, Salem District from the year 2019. The State Project Director, Samagra Shiksha, DPI Campus, Chennai 600 006 wrote to the Chief Educational Officers of all the Districts to pay the part time instructors salary for the month of June 2020. Thereafter G.O.Ms.No.101, Backward classes and Most Backward classes and Minority Welfare Department dated 22.12.2020 was issued recommending that the Part time Sweepers may be paid the special time scale of pay and later G.O.Ms.No.20, School Education Department dated 02.02.2021 was issued increasing the salary of Part Time Instructors from Rs.7700/- to Rs.10,000/- But the salary of Sanitary Workers has not been increased for the past four years. The Head Master, Government High School, Palakuttapatty wrote a letter to the second respondent that the petitioner did not get her salary for the past one year. Even then the petitioner has been working as a Sanitary Worker under the Head Master, Government High School, Palakuttapatty, Salem District but not received her salary for the last one year. Therefore, the petitioner is before this Court by filing the present Writ Petition, seeking the aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's proposal is already pending with the 1st & 2nd respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st & 2nd respondents herein to consider the proposal preferred by the petitioner dated 17.02.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 17.02.2021 and this order, to the respondents forthwith;

v) The 1st & 2nd respondents are directed to communicate the decision taken on the representation to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

dpq
To

1. The Additional Chief Secretary to Government
Rural Development and Panchayat Raj Department
Fort St.George, Chennai 600 009.
2. The Director of Rural Development and Panchayat Raj,
Rural Development and Panchayat Raj Department
Panagal Maligai, 4th & 5th floor,
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3. The Project Director,
District Rural Development Agency,
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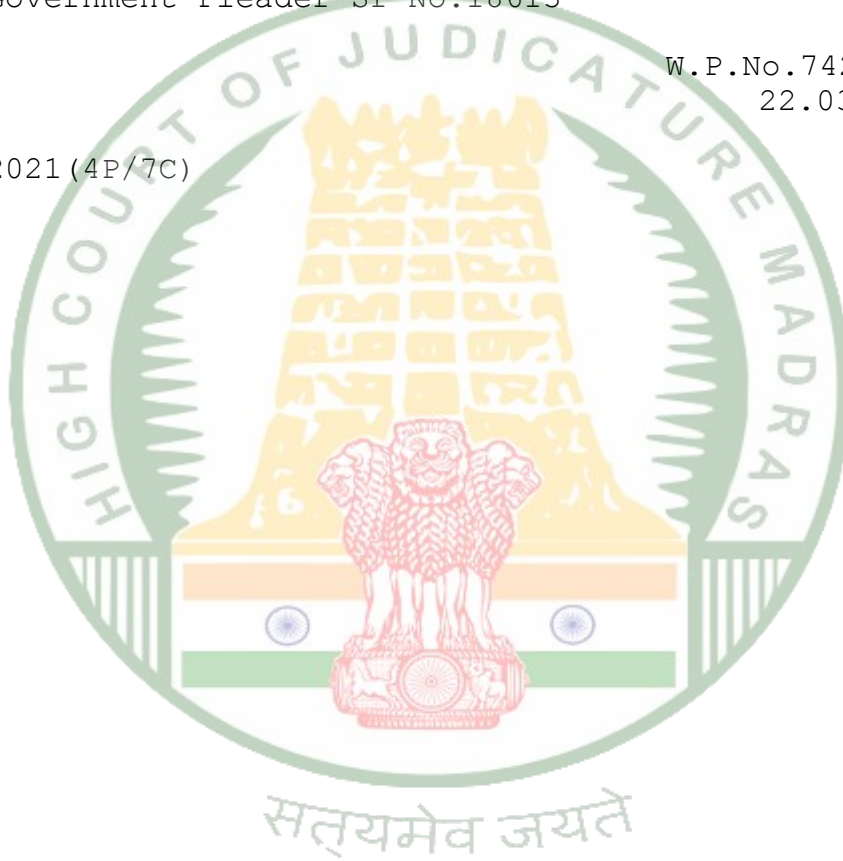
4. The Block Development Officer (Block Panchayat)
Panchayat Union,
Omalur,
Salem District - 636 454.

+1 cc to M/S.C.Uma, Advocate SR No.18863

+1 cc to Government Pleader Sr No.18613

W.P.No.7421 of 2021
22.03.2021

SMI (CO)
RG.29/04/2021 (4P/7C)



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