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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.40871 of 2016

And

W.M.P.No.34872 of 2016

1.M.Sadagopal
2.N.Kalki
3.S.Santhalingam
4.M.Samuvel
5.D.Venkatraman
6.A.Kathavarayan

... Petitioners

Vs.

1.State of Tamil Nadu
rep by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai - 9.

2.Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building,
Chennai - 15.

3.District Collector,
Kancheepuram District,
Kancheepuram.

4.Mudichur Panchayat
rep by its President,
Mudichur,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to forthwith sanction revised time scale pay equivalent to the average wages earned per month by the petitioners herein as daily wage workers during the year 2011-12 and 2012-13 and



consequently pay difference in salary to the petitioners herein for the period from September 2013 to the date of payment of revised time scale of pay.

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For Petitioners: Mr.V.R.Rajasekaran

For Respondents: Mr.P.Chinnadurai for R1 to R3
Additional Government Pleader

O R D E R

The petitioners have filed this writ petition seeking direction to the first respondent to forthwith sanction revised time scale of pay equivalent to the average wages earned per month by them as daily wage workers during the years 2011-12 and 2012-13 and to pay difference in salary to them for the period from September 2013 to the date of payment of revised time scale of pay.

2.The learned counsel appearing for the petitioners submitted that the petitioners are sweepers who were paid daily wages. Pursuant to the issuance of G.O.(K.Dis) No.39, Rural Development and Panchayat Raj (E-5) Department, dated 07.05.2013, they were brought into special time scale of pay. Thereafter, they received less salary than what was received when they were working on daily wage basis. Hence they made a representation dated 28.10.2013 to the respondents seeking to sanction revised time scale of pay equivalent to the average wages earned by them per month as daily wage workers and to pay difference in salary. Since there was no response, they once again made representation dated 13.01.2016 to the respondents. Finding no response on the said representations, they have filed this writ petition.

3. On the other hand, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondents would consider the representations of the petitioners, if the same are pending, on merits within a reasonable time to be fixed by this Court.

4.In view of the above, this Court directs the respondents to consider the petitioners' representations dated 28.10.2013 and 13.01.2016, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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

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Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai - 9.
2. The Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building,
Chennai - 15.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Mudichur Panchayat
rep by its President,
Mudichur,
Kancheepuram District.

+1cc to Government Pleader SR.No.15450

W.P.No.40871 of 2016
And
W.M.P.No.34872 of 2016

SSN(CO)
GMY(22/06/2021)