



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3815 of 2021

P.Rajendran

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home Department, Secretariat,
Fort St.George, Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.The Superintendent of Police,
Kanyakumari District, Nagercoil.

4.The Kadayalumoodu Police Station,
Represented by Inspector of Police,
Kadayalumoodu, Kaliyal post,
Kanyaumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent dated 03.01.2020 in Na.Ka.No.F2/49401/2019 insofar as Special Time Scale to the petitioner in the post of Scavenger is concerned and quash the same and consequently direct the respondents to fix the Regular time Scale of Pay to the petitioner with consequential increments on par with Scavengers in School Education Department, who are receiving Regular Time Scale of Pay of Rs.4,800 + 1,300 as Grade Pay and pay the salary to the petitioner from the date of appointment along with arrears within a time frame to be fixed by this Court.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2.It is brought to the notice of this Court that in an identical circumstances, this Court has passed favourable order in favour of similarly placed Scavengers in the School Education Department in W.P(MD) No.17663 of 2014 as confirmed in W.A(MD) No.1584 of 2018. It is also stated that following aforesaid order, this Court has passed orders for the Scavengers engaged in the Home Department in W.P.No.27885 of 2019, dated 04.11.2019. The present impugned rejection order has not taken into consideration the aforesaid orders passed by this Court and hence, it would be appropriate to direct the respondents to re-consider the issue in the light of the aforesaid orders.

3.In the light of the above observations, the impugned order passed by the third respondent in Na.Ka.No.F2/49401/2019, dated 03.01.2020 is quashed. Consequently, the petitioner is granted liberty to make a fresh representation, by enclosing the orders of this Court as referred above and on receipt of the same, the first respondent herein shall endeavour to consider the said representation, in the light of the order passed by this Court in W.P(MD) No.17663 of 2014, dated 25.01.2018 as confirmed in W.A(MD) No.1584 of 2018, dated 29.01.2019, as well as the order passed in similarly placed person engaged in the Home Department of Government of Tamilnadu in W.P.No.27885 of 2019, dated 04.11.2019 and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition is ordered. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CP

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

4.The Inspector of Police,
Kadayalumoodu Police Station,
Kadayalumoodu, Kaliyal post,
Kanyaumari District.

+1 CC to Mr.N.DILIPKUMAR, Advocate (SR-7843[F] dated 01/03/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-8210[F] dated 02/03/2021)

Order made in
W.P. (MD) No.3815 of 2021
01.03.2021
(1/4)

ES (CO)

SRS (22/03/2021) 3P : 7C