



WEB COPY

W.P.(MD) No.4190 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.4190 of 2019

and

WMP. (MD) .No. 3319 of 2019

Angalaeswari

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of Public Libraries,
Anna Salai,
Chennai - 600 002.

3.The District Library Officer,
Tirunelveli District,
Tirunelveli.

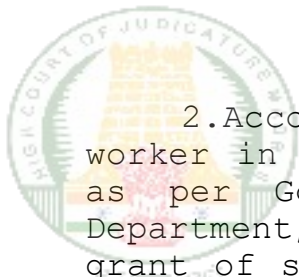
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of **Writ of Certiorarified Mandamus**, calling for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.158/A2/2018 dated 31.05.2018 and quash the same as illegal and consequently direct the respondents to regularize the petitioner's service in accordance with G.O.No.385 dated 01.10.10 and to grant her time scale of pay and all other monetary benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.S.Shanmugavel
Standing Counsel for State

O R D E R

The Writ Petition is filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.158/A2/2018 dated 31.05.2018 and quash the same as illegal and consequently direct the respondents to regularize the petitioner's service in accordance with G.O.No.385 dated 01.10.10 and to grant her time scale of pay and all other monetary benefits within the period that may be stipulated by this Court.



2. According to the petitioner, she was working as daily wage worker in the third respondent library for seven years. Therefore, as per Government Order in G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010, the petitioner became eligible for the grant of special time scale of pay but the respondent has passed a rejection order by stating that the petitioner has worked in the aforesaid place only for the period of 89 days with break in service. By relying upon the judgement of the Supreme Court, the learned counsel for the petitioner has filed an additional typed set of papers wherein all the records have been enclosed to establish that the petitioner has satisfied the Government Order for fixation of special time scale of pay on par with the similarly placed persons.

3. A counter affidavit has been filed by the third respondent, wherein it is stated that the petitioner has completed only 89 days with break in service. Therefore, G.O.Ms.385 dated 01.10.2010 is not applicable to the facts of the case. Hence the petitioner is not entitled for the payment of special time scale of pay.

4. On perusal of the additional typed set of papers that the following documents have been furnished:

- i) Acquaintance register between August 2011 to March 2016
- ii) Cash book for the year 2011 to 2016
- iii) Annual balance sheet year 2011 to 2016
- iv) Attendance Register for the year 2011 to 2017

5. It is submitted by the learned counsel for the petitioner that all these documents clearly show that the petitioner has been in continuous service for more than three years and thereby has satisfied the terms of the Government Order, G.O.Ms.385 dated 01.10.2010.

6. The District Collector has appeared before this Court and on perusal of the said additional typed set of papers would dispute the correctness of the aforesaid records before this Court. However, this court cannot go into that disputed fact. It is for the respondent to examine the documents submitted by the petitioner and to take appropriate decision. If the petitioner satisfies the terms of the Government Order, then the respondent has to consider positively and if they are not satisfied give the reasons and communicate the same to the petitioner.

7. In the light of the above said discussion, this Court is passing the following orders:

i) The writ petitioner shall submit the documents that have been submitted before this court to the second respondent within a period of two weeks from the date of receipt of a copy of this order.

ii) On such furnishing of the documents within a period of two weeks from the date of receipt of a copy of this order, the



respondent shall verify the said documents and compare the same with the original records and if it is found genuine, take appropriate decision in accordance with law.

iii) the aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

iv) the second respondent shall provide an opportunity to the petitioner for the production of the original records, if it is required.

8. With the above observations, the writ petition is allowed and the impugned order is quashed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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 of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2. The Director of Public Libraries,
Anna Salai,
Chennai - 600 002.

3. The District Library Officer,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL. GP (SR-29317[F] dated 16/09/2021)

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and

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NSN(CO)/RS (12.10.2021) 3P 5C

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