



W.P.(MD)No.2440 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2440 of 2020

and

W.M.P(MD)No.2082 of 2020

- 1.M.Muthuselvi
- 2.A.Shanthi
- 3.S.Sudalaimmal
- 4.Thirumalaivadivu
- 5.Kaani
- 6.Karuppasamy

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai – 5.
- 3.The District Collector, Tirunelveli,
Tirunelveli District.



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4.The District Adi Dravidar and Tribal Welfare Office,
District Collector Office,
Tirunelveli District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent common impugned order in Na.Ka.Enn.A4/23775/2019 dated 31.07.2019, quash the same and consequently directing the respondents to fix the regular time scale of pay of Rs.4,800 – 10,000/- Rs.1,300/- as Grade pay as per G.O.Ms.121 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) dated 07.12.2012 which is applicable to the petitioner's service from 25.02.2011 to 18.11.2015 as regular time scale of pay and to pay the arrears of salary in accordance with law insofar as the petitioners are concerned.

For Petitioner : Ms.S.Mahalakshmi

For R-1 to R-4 : Mrs.K.Christy Theboral,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioners challenging the impugned order of the fourth respondent in Na.Ka.Enn.A4/23775/2019 dated 31.07.2019 and to direct the respondents to fix the regular time



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scale of pay as per G.O.Ms.121 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) dated 07.12.2012, which is applicable to the petitioners' service from 25.02.2011 to 18.11.2015 and to pay the arrears of salary in accordance with law insofar as the petitioners are concerned.

2. The case of the petitioners is that they are hailing from a remote village of Tirunelveli District and belonged to scheduled caste community. They were appointed as Cook by the fourth respondent on 23.02.2011 and they are working in the Government Adi Dravidar Welfare Student Hostel, Tirunelveli District, from the date of their appointment and they are receiving the scale of pay of Rs.850/-. While so, the Government issued G.O.Ms.No.25 Adi Dravidar and Tribal Welfare Department(Adi.Na.4), dated 23.02.2011 and G.O.Ms.No.121 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) dated 07.12.2012, directing the Departments to fix the time regular time scale of pay of Cooks as Rs.4800 - Rs.10000+Grade Pay – Rs.1300. However, the grievance of the petitioners is that the regular time scale of pay was paid to the petitioners only from 18.11.2015. Hence, the petitioners made



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a representation to the respondents on 04.07.2019 seeking to pay the regular time scale of pay from 25.02.2011 to 18.11.2015. However, the same was rejected by the fourth respondent vide the impugned order on the ground that part time employees are not entitled for regular time scale of pay for non-sanctioned post. Challenging the same, the present writ petition has been filed with the aforesaid prayer.

3. The learned counsel appearing for the petitioners would submit that the fourth respondent misunderstood the grievance of the petitioners whereas the grievance of the petitioners is that they were brought under time scale of pay in the year 2011 as per G.O.Ms.No.25 Adi Dravidar and Tribal Welfare Department (Adi.Na.4), dated 25.02.2011 and subsequently, on 28.09.2011, the fourth respondent also forwarded a list to the second respondent by including the name of the petitioners except the fifth petitioner, for awarding regular time scale of pay. However, the second respondent had not implemented the said order at the relevant point of time and the petitioners were given regular time scale of pay only in the year 2015. Therefore, the petitioner made a representation to



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the respondents to implement the Government Orders passed and to fix the time scale of pay from the date of Government Order.

4. Heard the learned Additional Government Pleader appearing for the respondents on the above submissions made by the learned counsel appearing for the petitioners.

5. It is an admitted fact that the fourth respondent forwarded the petitioners name except the fifth petitioner to the second respondent for awarding time scale of pay vide proceedings, dated 28.09.2011. In view of the same, without interfering with the order passed by the fourth respondent, this Court is inclined to issue a direction to the second respondent. Accordingly, this Court directs the second respondent to consider the petitioner's representation, dated 04.07.2009 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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With the above direction, the writ petition is disposed of.

No Costs. Consequently, connected miscellaneous petition is closed.

06.12.2022

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To

- 1.The Secretary,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai – 5.
- 3.The District Collector, Tirunelveli,
Tirunelveli District.
- 4.The District Adi Dravidar and Tribal Welfare Office,
District Collector Office,
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M.DHANDAPANI,J.

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