



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2022
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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.25805 of 2019

and

W.M.P. (MD) No.22333 of 2019

A.Pappa

... Petitioner

-vs-

1.The State of Tamilnadu,
Rep., by its Principal Secretary,
Welfare of Differently Abled Persons Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The State Commissioner,
Commissionerate for the Welfare of
Differently Abled Persons Department,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai-600 005.

3.The District Welfare Officer of Differently
Abled Persons,
Office of the Welfare of Differently Abled Persons,
Collectorate, Korampallam,
Thoothukudi-628 101.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned proceedings in Che.Mu.Na.Ka.No.10257/Nir3/2018 dated 08.02.2019 issued by the second respondent and consequently directing the respondents 1 and 2 to place me in the 'Special Time Scale of Pay' in the post of sweeper from the date of the issue of government order G.O.No.385 Finance (Salary) Department dated 01.10.2010 and grant all arrears of salaries with all consequential, monetary and service benefits pay benefits.

For Petitioner : Mr.K.Vamanan

For Respondents : Mr.M.Ramesh,
Government Advocate

O R D E R

The order of rejection dated 08.02.2019, rejecting the claim of the writ petitioner for grant of special time scale of pay is under challenge in the present writ petition.

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2.The petitioner was appointed as Sweeper on temporary basis. The petitioner submitted an application seeking special time scale of pay and permanent absorption. However, the authorities competent rejected the claim on the ground that the petitioner was not appointed in accordance with the Recruitment Rules in force and therefore, regularisation or permanent absorption cannot be granted, as the principles had already been settled by the Constitution Bench of the Hon'ble Supreme Court of India in the case of **Secretary, State of Karnataka vs. Umadevi** reported in **(2006) 4 SCC 1**.

3.However, the learned counsel for the petitioner states that special time scale of pay granted to the temporary employees may be extended to the writ petitioner.

4.In view of the limited submission made by the learned counsel for the petitioner, this Court is of an opinion that if the petitioner satisfies the conditions stipulated in G.O.Ms.No.385, Finance (Salary) Department, dated 01.10.2010 for grant of special time scale of pay, her case is to be considered on merits and in accordance with law.

5.In view of the facts and circumstances, the 2nd respondent is directed to consider the case of the writ petitioner for grant of special time scale of pay awarded to the temporary employees appointed on daily wage basis or on consolidated pay in G.O.Ms.No.385, dated 01.10.2010. It is made clear that the case of the petitioner is to be considered with reference to the terms stipulated in the Government Order. The said exercise is directed to be done by the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Abr

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Welfare of Differently Abled Persons Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The State Commissioner,
Commissionerate for the Welfare of
Differently Abled Persons Department,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
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3.The District Welfare Officer of Differently
Abled Persons,
Office of the Welfare of Differently Abled Persons,
Collectorate, Korampallam,
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+1 CC to M/s.SPL GP (SR-6847[F] dated 17/02/2022)

W.P. (MD) No.25805 of 2019
16.02.2022

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