



W.P.No.12621 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.12621 of 2021

1. M. Varadharaju
2. K. Palaniammal
3. T. Rajalakshmi
4. V. Sharmila
5. G. Suresh Kumar
6. M. Kannan
7. P. Santha
8. N. Manimegalai
9. P. Mariappan
10. R. Manikandan
11. R. Madhesh
12. P. Poomari
13. R. Baranidharan
14. A. Paramasivam

... Petitioners

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Adi Dravidar Welfare
Chennai 600 005.
3. The Director of Tribal Welfare,



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Chennai 600 005.

4. The District Adi Dravidar and
Tribal Welfare Officer
Collectorate, Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the first respondent to include the names of the petitioners in the list annexed to G.O.Ms.No.81, Adi Dravidar and Tribal Welfare (ADW-4) Department dated 10.08.2020 and G.O.Ms.No.82 Adi Dravidar and Tribal Welfare (ADW-4) Department dated 10.08.2020 and grant them Special Time Scale of Pay as granted to the Sanitary Workers included in the said list with effect from the date of the said Government Order and grant them all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.K.Tamilvendan
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the 1st respondent to include the names of the petitioners in the list annexed to G.O.Ms.No.81, Adi Dravidar and Tribal Welfare (ADW-4) Department dated 10.08.2020 and G.O.Ms.No.82 Adi Dravidar and Tribal Welfare (ADW-4)



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Department dated 10.08.2020 and grant them Special Time Scale of Pay as granted to the Sanitary Workers included in the said list with effect from the date of the said Government Order and grant them all consequential benefits.

2. The case of the petitioners are that they were working as Sanitary Workers in the Government Adi Dravidar Welfare Hostels and Residential Schools in Salem District and they were appointed by following the selection process. Applications were called for by advertisement in newspapers and a list of candidates were also called for from the Employment Exchange. The selection committee conducted interview and selected the candidates and their appointments were made on a consolidated pay of Rs.2,000/- and was subsequently enhanced to Rs.3,000/- per month. All of them have completed more than three years of service. The Government of Tamil Nadu issued G.O.Ms.No.81, Adi Dravidar and Tribal Welfare (ADW-4) Department making 544 Sanitary Workers in the Adi Dravidar Welfare Hostels and G.O.Ms.No.82, Adi Dravidar and Tribal Welfare (ADW-4) Department making 107 Sanitary Workers in the Tribal Welfare Hostels who had completed three years of service as Full Time Sanitary Workers and granting



them Special Time Scale of Pay Rs.4100-12500 with effect from the date of the said Government Orders. The petitioners 7 to 9 are working in Adi Dravidar Welfare Hostels and the other petitioners are working in Tribal Welfare Hostels. Even though they had completed three years of service, their names were left out and not found in the list of Sanitary Workers who were given the said benefit.

3. Further it is averred that the above said Government Orders were issued on 10.08.2020 and as on that date all of them had completed more than 4 years of service. In the list annexed to the said Government Orders, several Sanitary Workers who were appointed along with them or after their dates of appointment have been included. The reason for not including their names in the said list appears to be an omission committed in the District Office and their names were not sent to the Government. All of them are eligible to be included in the list and for getting full time Sanitary Workers post with Special Time Scale of Pay. Since their names were not included in the said list they submitted representations to the first respondent with copies addressed to the respondents 2 and 3 and the District Collector requesting to



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include their names in the list and grant them Special Time Scale of Pay.

Since no order has been passed so far, the petitioners have come forward with the present writ petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioners representation dated 28.02.2020 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

5. The learned Government Advocate appearing for the respondents submitted that he has no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Taking into consideration the factual aspects of the matter, this



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Court without going into the merits of the case, directs the first respondent to consider the petitioners representation dated 28.02.2020 in the light of the G.O.Ms.No.81, Adi Dravidar and Tribal Welfare (ADW-4) Department dated 10.08.2020 and G.O.Ms.No.82 Adi Dravidar and Tribal Welfare (ADW-4), Department dated 10.08.2020 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.

8. This Writ Petition is disposed of with the above observation and direction. No costs.

07.07.2023

dpq
Index : Yes/No
Speaking Order : Yes/No



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WEB COPY

To:

1. The Secretary to Government
The Government of Tamil Nadu
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Adi Dravidar Welfare
Chennai 600 005.
3. The Director of Tribal Welfare,
Chennai 600 005.
4. The District Adi Dravidar and
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J. SATHYA NARAYANA PRASAD, J.

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