



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.5433 of 2016
and
W.M.P.No.4733 of 2016

N. Rajeshwari

.. Petitioner

Vs.

1.The State of Tamil Nadu

Represented by the Principal Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.

3.The Joint Director of School Education
(Personnel), College Road,
Chennai – 600 006.

4.The Chief Educational Officer,
Cuddalore,
Cuddalore District.

5.The District Educational Officer,
Cuddalore,
Cuddalore District.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.47, School Education Department dated 02.03.2012 and to quash the same insofar as the fixation of lesser salary to the post of Sanitary worker in the pay scale of pay of Rs.1300-3000 and grade pay 300 and consequently direct the respondents to fix the salary fro the petitioner in the scale of pay of Rs.4800-10000+1300 grade pay applicable to the basis service on par with the post of Watch Man selected and appointed in the Common Selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame.

For Petitioner .. Ms. Kaaviya

For Respondents .. Mr. S. Ravikumar, SGP

ORDER

The petitioner places reliance on the order of a learned Single Judge in *W.P.(MD).No.17663 of 2014, School Education Department, Scavengers Welfare Association, Rep.by its Secretary Vs. the Principal Secretary, School Education Department* dated 25.01.2018. There was an appeal from that particular order in *W.A.(MD) No.1584 of 2018* dated



29.01.2019. The petitioner seeks implementation of the order in the writ appeal, which confirmed the earlier order passed in the writ petition. This order would apply irrespective of the department in which the petitioner or eligible person is working.

2.It is stated by the learned Special Government Pleader that consequent to the directions of the Division Bench, the respondents had passed G.O.Ms.No.50 School Education Department dated 08.03.2019. As stated this would apply to the petitioner, though the petitioner was working in another department. The Government Order had been passed in confirmation with the directions of the writ petition, wherein, the crucial order is as follows:

“The offending clause 2(i) in the impugned G.O.(MS) No.47, School Education (R.1) Department, dated 02.03.2012 is struck down as unconstitutional. A direction shall issue to place the scavenger who were appointed as per G.O.(Ms).No.47, School Education (R.1) Department dated 02.03.2012 on par with the other scavengers working in education department and who are receiving the regular time



scale of pay i.e Rs.4,800-10,000 + Grade Pay Rs.1,300/- from the date of their appointment. The members of the petitioner's Association will be entitled to the benefit of this Revision and placement in the higher pay scale notionally from the date of their appointment and with monetary effect from the date of passing of this order. The respondent is directed to issue appropriate orders in this regard within a period of eight weeks from the date of receipt of a copy of this order.”

3.A direction is given to the respondents to comply with the directions of the this Court in the writ petition and writ appeal and also their own Government order within a period of four months from the date of receipt of a copy of this order. No further orders are required. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

19.07.2023

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order: Yes/No
smv



To
WEB COPY

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School Education Department
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C.V.KARTHIKEYAN,J.

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