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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM

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

W.P.No.18950 of 2017
and
W.M.P.No.20456 of 2017

1.K. Senthil Kumar
2.R. Rajivgandhi
3.K. Rajendran

.. Petitioners

Vs.

- 1.The Government of Tamil Nadu
Rep. by the Secretary,
Home Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of General of Police,
Tamilnadu,
DGP Office, Chennai – 4.
- 3.The Inspector General of Police,
Central Zone, Trichirapalli,
Trichirapalli District.
- 4.The Superintendent of Police,
District Police Office, Ariyalur,
Ariyalur District.



5.The Superintendent of Police,
Armed Reserved Police,
Ariyalur,
Ariyalur District – 612 802.

6.The Inspector of Police,
Kayarlabath Police Station,
Ariyalur,
Ariyalur District

7.The Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay Special Time Scale Pay with all other allowance from 17.05.2013 in terms of the G.O.Ms.No.385 Fin (pay) Dept. dated 01.10.2010 and the order of the 4th respondent in his proceedings in Na.Ka.No.A2/11457/2012 dated 17.05.2013, 23.05.2013 and 12.06.2013 and consequently direct the respondents to fix the salary of the petitioners in the Regular Time Scale of pay of Rs.4800-10000+1300 G.P along with annual increments and other benefits from 17.05.2013, 23.05.2013 and 12.06.2013 after adjusting the consolidated pay paid from 17.05.2013, 23.05.2013 and 12.06.2013.



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For Petitioners .. Mr. V. Krishnamurthy

For Respondents .. Mr. S. Ravikumar, SGP

ORDER

The petitioners 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 petitioners seek 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 petitioners 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 petitioners, though the petitioners were 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 the 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

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C.V.KARTHIKEYAN,J.

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