



W.P.(MD).No.16403 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16403 of 2023

J.Renuka

... Petitioner

Vs.

- 1.The Secretary,
The Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Adi Dravidar Welfare,
Office at Chepauk, Chennai-600 005.
- 3.The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai-600 005.
- 4.The District Adi Dravidar Welfare Officer,
Thanjavur, Thanjavur District.
- 5.The Special Tahsildar,
Adi Dravidar Welfare Department,
Kumbakonam, Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant the regular time scale of pay to the petitioner instead of special regular



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time scale of pay notionally with effect from the date of her appointment as Scavengers / Sweepers, dated 15.09.2012, together with arrears of pay from 25.01.2018 by extending the benefits under G.O.Ms.No. 50, School Education Department, dated 08.03.2019 on par with Scavengers / Sweepers of other Departments.

For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to grant the regular time scale of pay to the petitioner instead of special regular time scale of pay notionally with effect from the date of her appointment as Scavengers / Sweepers, dated 15.09.2012, together with arrears of pay from 25.01.2018 by extending the benefits under G.O.Ms.No. 50, School Education Department, dated 08.03.2019 on par with Scavengers / Sweepers of other Departments.

2. Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the respondents and carefully perused the materials available on record.



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3. The petitioner was appointed as Sweeper on 15.09.2012 in a temporary pay through the Employment Exchange by the fourth respondent in the Adi Dravidar Welfare Girls Hostel, Peravurani, Thanjavur District. Subsequently, on 15.09.2016, the petitioner's service was regularised by the proceedings of the fourth respondent, dated 15.09.2016 with effect from 2012. But the petitioner was regularised only on a special time scale of pay. On 11.09.2018, the petitioner was transferred to Adi Dravidar Welfare Girls Hostel, Thirupananthal, Kumbakonam Taluk, Thanjavur District. In the meanwhile, similarly placed persons like the petitioner filed a writ petition in W.P(MD)No. 17663 of 2014 before this Court, seeking direction to appoint the petitioners of that writ petition as per G.O(Ms)No.47 of the School Education (R1) Department, dated 02.03.2012, on par with Scavengers working in Education Department from the date of the initial appointment and thereafter regularize them to normal time scale instead of special time scale of pay. The said writ petition was allowed by this Court. An appeal filed as against the Writ Court's order was dismissed in W.A(MD)No.1584 of 2018 by the Hon'ble Division Bench of this Court on 29.01.2019. To give quietus to the said issue, the Government passed a Government Order in G.O(Ms)No.50 of the School



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Education (Pa.Ka.4(1))Department, dated 08.03.2019, in which the services of about 1,694 Scavengers out of 2,213 Scavengers were brought into regular time scale of pay.

4. Though the petitioner is one among the said category, her service was not regularised as normal time scale of pay instead of special time scale of pay. Hence, she is entitled to be benefited in terms of the said Government Order and she made a representation to the third respondent on 09.03.2020 to extend the benefit of the said G.O to the petitioner so as to enable her to get regular time scale of pay instead of special time scale of pay along with arrears.

5. Though the learned Special Government Pleader for the respondents submitted that the petitioner cannot avail the benefit of the said G.O, this Court is not inclined to accept his contention.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

7. Hence, this Court is inclined to direct the respondents to grant regular time scale of pay to the petitioner instead of special regular time scale of pay notionally with effect from her date of appointment as Scavenger / Sweeper, dated 15.09.2012 together with arrears of pay from 25.01.2018 by extending the benefits under G.O(Ms)No.50 of the School Education (Pa.Ka. 4(1))Department, dated 08.03.2019.

8. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

21.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

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