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W.P.No. 2596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2596 of 2024

R.Selvam

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Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
St.George Fort, Chennai – 09.

2. The Director, Fire and Rescue Service,
Chennai – 08.

3. The Deputy Director,
Fire and Rescue Service, Central Region,
Trichy – 01.

4.The District Officer,
Fire and Rescue Service,
Thiruvarur.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix th regular time scale of pay of Rs.4,800-10,000+1,300 as Grade pay to the petitioner with effect from 01.08.2001 on par with existing regular Sweepers/Scavengers in School Education Department and Home/Police



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Department of Government of Tamil Nadu, together with arrears of difference in wages payable from 01.08.2001 to till date by considering his representation dated 27.03.2023.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to fix the regular time scale of pay to the petitioner with effect from 01.08.2001 on par with existing regular Sweepers/Scavengers in School Education Department and Home/Police Department of Government of Tamil Nadu.

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

3. The petitioner was appointed as Sweeper in the office of Fire and Rescue Service Department by a proceedings dated 24.07.2001. The petitioner had joined duty with effect from 01.08.2001. As per G.O.Ms.No.14 Home (Police-17) Department, dated 05.01.2018, the



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Government issued order regularizing the sweeper/petitioner in Special Time Scale of Pay. Accordingly, his service was regularized with effect from 05.01.2018 in Special Time Scale of Pay. Though the petitioner had joined as early as on 01.08.2001, he had completed three years of service with meager basic. It was effected from 05.01.2018, without considering his long and continuous service from 01.08.2001.

4. The learned counsel appearing for the petitioner pointed out that other sweepers working in the Education Department were getting pay scale of Rs.4,800 – Rs.10,000 + Grade pay of Rs.1,300. Therefore, the Sweepers Association filed writ petition before the Hon'ble Madurai Bench of this Court in W.P.(MD) No.17663 of 2014. By an order dated 25.01.2018, this Court has following the decision of the Hon'ble Supreme Court of India reported in **(2017) 1 SCC 148** in the case of ***State of Punjab and others Vs. Jagjit Singh and others*** held that right of equal pay for equal work is a fundamental right and struck down the discriminatory approach of the Government in treating scavengers of the same department differently. Therefore, this Court directed that the Scavengers in Education



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Department getting Special Time Scale of Pay shall be paid with Regular Time Scale of Pay from the date of their appointment. It was challenged before the Division Bench in W.A (MD) No.1584 of 2018 and the same was also dismissed by an order dated 29.01.2019.

5. Thereafter, similarly placed persons approached this Court in W.P.No.27885 of 2019 and this Court, by an order dated 04.11.2019, following the order passed by the Hon'ble Madurai Bench of this Court in W.P.(MD) No.17663 of 2014 and issued direction to be treated on par with Sweepers of School Education Department, who were getting Regular Time Scale of Pay .

6. In view of the above, the respondents are directed to consider the request made by the petitioner seeking for Regular Time Scale of Pay from the date of his appointment, i.e., on 01.08.2001, on par with existing regular Sweepers/Scavengers in School Education Department and Home/Police Department of Government of Tamil Nadu in the light of the order passed by the Hon'ble Madurai Bench of this Court in W.P.No.17663



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of 2014 dated 25.01.2018 within a period of twelve weeks from the date of receipt of a copy of this order.

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7. With the above direction, this Writ Petition is disposed of. No costs.

07.02.2024
(¹/₂)

Index: Yes/No
Speaking Order: Yes
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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
St.George Fort, Chennai – 09.

2. The Director, Fire and Rescue Service,
Chennai – 08.

3. The Deputy Director,
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