



W.P.No.4513 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4513 of 2021

S.Subramani

... Petitioner

Vs.

1.The State of Tamil Nadu Rep by its
Additional Chief Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai -9.

2.The Commissioner of Tourism,
Tourist Compound,
Valaja Salai,
Chennai - 2.

3.The Tourist Officer,
Tourist Office,
Madurai 625 001.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records connected in Letter No.5077/mavame 1/2017 dated 10.12.2020 of the second respondent and quash the same in so far as the petitioner is concerned and consequently direct the respondents 1 and 2 to consider the claims of the petitioner for granting regular time scale of pay of Rs.4,800-10,000+1,300 (Grade Pay) instead of special time scale of pay of Rs.1,300-3,000+300 (Grade Pay) in the post of Scavenger / Sanitary



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Worker based on the orders of the Government issued in G.O.Ms.No.50, School Education (Pa.Ka.4(1)) Department dated 08.03.2019 and also based on the order of the Hon'ble High Court of Madurai Bench of Madras High Court dated 25.01.2018 in W.P.MD.No.17663 of 2014.

For Petitioner : Mr.K.Arumugam

For Respondents : Mr.K.H.Ravikumar, GA

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records connected in Letter No.5077/mavame 1/2017 dated 10.12.2020 of the second respondent and quash the same in so far as the petitioner is concerned and consequently direct the respondents 1 and 2 to consider the claim of the petitioner for granting regular time scale of pay of Rs.4800-10,000+1300 (Grade Pay) instead of special time scale of pay of Rs.1,300-3,000+300 (Grade Pay) in the post of Scavenger / Sanitary Worker based on the orders of the Government issued in G.O.Ms.No.50, School Education (Pa.Ka.4(1)) Department dated 08.03.2019 and also based on the order of the Madurai Bench of Madras High Court dated 25.01.2018 in W.P.MD.No.17663 of 2014.



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2. Heard Mr.K.Arumugam, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents.

3. The petitioner was working as part time sanitary worker in the third respondent from 05.06.1998 on consolidated pay till 08.05.2016. Thereafter based on G.O.Ms.No.385, Finance (Pay Cell) Department dated 01.10.2010 he was appointed as Sanitary Worker on special time scale of pay of Rs.1300-3000+300 (Grade Pay). Basing on the said order, the petitioner has been brought under the special time scale of pay from 15.09.2010. When similarly placed persons working in the same concern are getting time scale of pay, the petitioner 's pay has not been upgraded to time scale of pay so far. The scavengers and sanitary workers who were working in the Educational Department in the special time scale of pay had earlier filed a Writ Petition in W.P.No.17663 of 2014 by claiming parity of pay. The said Writ Petition was allowed and on the direction given by the Court, the Government has issued G.O.Ms.No.50, School Education Department dated 08.03.2019 and granted regular time scale of pay to the petitioners. So the petitioner claims that he is also entitled to



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equal pay for equal work as that of other persons who got regular time scale of pay.

4. The learned Government Advocate for the respondents submitted that on the representation given by the petitioner, an order has been passed that the petitioner cannot be appointed on a time scale of pay. It is further submitted that G.O.Ms.No.50, School Education Department issued on 08.03.2019 is applicable only for those persons who have been working in the School Education Department.

5. The petitioner does not claim that he would come under the purview of G.O.Ms.No.50 dated 08.03.2019. But his only contention is that the logic applied and the factors taken into consideration for the issuance of G.O.Ms.No.50 dated 08.03.2019 is applicable to the situation of the petitioner. The petitioner has been issued with special time scale of pay by virtue of G.O.Ms.No.385 dated 01.10.2010. The petitioner's services have been utilised from the year 1998 to till date. Though the petitioner's service have not been regularised, the petitioner should have been considered for getting equal pay with that of other persons who are



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also doing the similar work.

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6. When the principle of equal pay for equal work was considered by the Education Department and culminated into G.O.Ms.No.50 dated 08.03.2019, the same benefit can be extended to the petitioner also who is under the compulsive situation to get time scale of pay and not equivalent time scale of pay like that of other sanitary workers. Hence a suitable direction has to be given.

7. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the claim of the petitioner in respect of regular time scale of pay alone even though his services have not been regularised as per his representation, in the light of the principle of equal pay for equal work and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No

22.03.2024

Speaking / Non-speaking

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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To



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