



WEB COPY

W.P.No.8768 of 2021
and W.M.P.No.9302 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8768 of 2021
and W.M.P.No.9302 of 2021

B.Saraswathy

...

Petitioner

versus

1.The Secretary to Government (Art & Culture),
Chief Secretariat,
Puducherry.

2.The Member Secretary,
Bharathiar Palkalai Koodam,
Puducherry - 605 007.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant financial upgradation to the petitioner under the MACP Scheme w.e.f. 02.07.2013 when the petitioner has completed 10 years of service in the direct entry grade of Sanitary Assistant cum Sweeper also taking into consideration Resolution No. 25.12.0 passed on the 25th Governing Body meeting of Bharathiar Palkalai Koodam held on 27.12.2016, approving grant of revised new MACP to the staff members on par with the Government servants.



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For Petitioner : M/s.M.N.Sumathy

For Respondent No.1 : Mr.Ramasamy Meyappan
Government Advocate

For Respondent No.2 : Mr.R.Sreedhar
Additional Government Pleader (Pondy)

ORDER

Heard M/s.M.N.Sumathy, learned counsel for the petitioner and Mr.Ramasamy Meyappan, learned Government Advocate for the 1st respondent and Mr.R.Sreedhar, learned Additional Government Pleader (Pondy) for the 2nd respondent and perused the materials available on record.

2. The petitioner has been appointed as a daily rated Sweeper on 02.04.1998 and her services have been regularised as Sanitary Assistant cum Sweeper w.e.f. 01.07.2003 by virtue of an order dated 04.07.2008. The petitioner has not been given with any promotion or any financial upgradation in accordance with the Modified Assured Career Progression (MACP). The said programme has been introduced by the Central Government to the benefit of those employees who have been stagnated in one post for several years without any promotion.



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3. Since the petitioner is said to have been serving as a Sanitary Assistant cum Sweeper for atleast 16 years without any progression, it is obligatory on the part of the 2nd respondent to consider her request and pass orders in accordance with her eligibility.

4. However, when the matter was taken up today, Mr.R.Sreedhar, learned Additional Government Pleader (Pondy) appearing for the 2nd respondent submitted that the petitioner's request was considered and appropriate orders have already been passed. But no order has been produced before this Court so far. Even M/s.M.N.Sumathy, learned counsel for the petitioner also submitted that to her knowledge, no such orders have been issued.

In such case, the 2nd respondent shall either consider the request of the petitioner and pass orders or if the request of the petitioner has been already considered and passed orders, the 2nd respondent is directed to furnish a copy of the order to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order and this Writ Petition is **disposed**



accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

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11.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The Secretary to Government (Art & Culture),
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Puducherry.

2.The Member Secretary,
Bharathiar Palkalai Koodam,
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R.N.MANJULA, J.

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