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W.P.No.12199 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.12199 of 2021

K.Senthamarai

...

Petitioner

Vs.

1. The Secretary,
Public Works Department,
Fort St. George,
Chennai - 600 009.
2. The Chief Engineer,
General,
Public Works Department,
Chepauk, Chennai 600 005.
3. The Executive Engineer,
Araniyar Basin Division,
Public Welfare Department,
P.W.D.Complex, Chepauk,
Chennai - 600 005.
4. The Assistant Executive Engineer,
Araniyar Basin Sub Division,
Ponneri Taluk, Thiruvallur District,
Tamil Nadu - 601 204.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the first respondent to extend the benefits accrued to the petitioner under G.O.Ms.No.385, Public Works Department (Wages) dated 01.10.2010 and place her on the Special Time Scale and treating her in par with other beneficiaries under G.O.Ms.No.69, Public Works Department (C2), dated 24.02.2021.

For Petitioner : Mr.M.Ramalingam

For Respondents : Mr.M.Rajendran,
Additional Government Pleader

ORDER

The petitioner who was working as a Sweeper with the 4th respondent from the year 1991, has claimed that he is entitled to the benefit of G.O.Ms.No.385, Public Works Department (Wages) dated 01.10.2010 and G.O.Ms.No.69, Public Works (C), dated 24.02.2021.

2. Mr.M.Ramalingam, learned counsel for the petitioner attracted the attention to the Government Order in G.O.Ms.No.385, Public Works Department (Wages) dated 01.10.2010 which has been passed to consider those sanitary workers who are working on a daily wage basis or on consolidated pay for the purpose of giving them the special time scale of



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pay. One of the conditions stipulated therein is that the individual ought to have worked continuously for three years. The petitioner was also identified as the person eligible to get special time scale of pay and her name is very much recommended by the 2nd respondent in his letter dated 31.12.2015 made in கடித எண்: எஸ். 4(1)/22835/2011, dated 31.12.2015. But unfortunately while passing Orders in G.O.Ms.No.69, Public Works (C), dated 24.02.2021 basing on the recommendation of the 2nd respondent, the petitioner's name was not included. Hence, the petitioner has filed this Writ Petition seeking to include her name on par with other beneficiaries.

3. Mr.M.Rajendran, learned Additional Government Pleader appearing for the Respondents submitted that since the petitioner has filed this Writ Petition, seeking a Writ of mandamus, the representation of the petitioner will be considered on merits.

4. Since the petitioner has completed three years of service in accordance with G.O.Ms.No.385, Public Works Department (Wages) dated 01.10.2010 and notice to the effect, has been issued to him by the 2nd



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respondent on 31.12.2015, it is unfortunate that her name has not been included in G.O.Ms.No.69, Public Works (C), dated 24.02.2021. The respondents are directed to consider the representation of the petitioner, dated 23.07.2018 and pass appropriate orders in accordance with law by including the name of the petitioner for the purpose of extending the benefits on par with other similarly placed persons, within a period of eight weeks from the date of receipt of a copy of this order.

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

05.01.2024

Index: Yes / No
Speaking order / Non-speaking order
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To:



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R.N.MANJULA ,J.



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