



W.P.No.13940 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.13940 of 2017

and

W.M.P.No.15129 of 2017

N.Lakshmipathi

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.
- 3.The Joint Director of School Education
(Personnel), College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Cuddalore, Cuddalore District.
- 5.The District Educational Officer,
Virudhachalam Cuddalore District.

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Respondents

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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.MS.No.47, School Education Department, dated 02.03.2012 and quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of pay of Rs.1300-3000 and G.P.300 and consequently direct the respondents to fix the salary for the petitioner in the scale of pay of Rs.4800-10000+1300 G.P. applicable to the basic service on par with the post of Watch Man selected and appointed in the Common Selection as per the Government order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame fixed by the Court and pass such further order.

For Petitioner : No appearance

For Respondents : Mrs.C.Sangamithirai
Special Government Pleader

ORDER

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This Writ Petition has been filed seeking to quash the G.O.MS.No.47, School Education Department, dated 02.03.2012 in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of pay of Rs.1300-3000 and G.P.300 and for consequential direction to the respondents to fix the salary for the petitioner in the scale of pay of Rs.4800-10000+1300 G.P. applicable to the basic service on par with the post of Watch Man selected and appointed in the Common Selection as per the Government order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest

2. On behalf of the respondents, a counter affidavit has been filed.

3. Though this Case is posted under the caption “for dismissal” today, there is no representation on behalf of the petitioner and accordingly, this Court proceeds with the case based on the materials

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available on record and on hearing of the learned counsel Additional Government Pleader appearing for the respondents.

4. During the course of the hearing, the learned Additional Government Pleader submits that the petitioner have fixed time scale of pay of Rs.4800-10000+1300 G.P and monetary benefits of pay. The learned Additional Government Pleader further submits that, earlier, similarly situated persons have already filed a batch of Writ Petitions before the Madurai Bench of Madras High Court in W.P.(MD). No.17663 of 2014. The said Writ Petition was allowed by this Court vide judgment dated 25.01.2018, holding that the petitioners therein will be entitled to the benefit of the Revision and placing in the higher pay scale notionally from the date of their appointment, on passing of this order to issue appropriate order of time scale of pay from the date of their initial appointment. Aggrieved over the said order, the Government has preferred an Appeal in W.A.(MD)No.1584 of 2018 and the same was dismissed by judgment dated 29.01.2019 and

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subsequently, the judgment dated 25.01.2018 in W.P.(MD).No.17663 of 2014 was implemented.

5. The learned Additional Government Pleader further submits that in order to implement the judgment dated 25.01.2018 in W.P.(MD).No.17663 of 2014, those who were appointed in the Sanitary worker post as per the Government Order under G.O.MS.No.47, School Education Department, dated 02.03.2012, a special time scale of pay was paid fixing Rs.4800-10000+1300 G.P. As per the G.O.No.50, School Education (P.G.4(1)), dated 08.03.2019 all monetary benefits were provided to them on 25.01.2018. By following the G.O.No.50, the petitioners in the present Writ Petition also were granted fixation of time scale of pay on par with the similarly situated persons and all monetary benefits were paid to them. As such no further adjudication is required in this present Writ Petition.

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6. Having heard the submissions of the learned Additional Government Pleader and on perusal of the materials available on record and the written instructions dated 04.01.2024 of the Chief Educational Officer, Cuddalore and in view of the fact that already the petitioner was fixed time scale of pay on par with the similarly situated persons with all monetary benefits of pay, in our opinion, no further adjudication is required in this Writ Petition, as the petitioner had already got the relief sought in this Writ Petition by G.O.Ms.No.50.

7. Accordingly, this Writ Petition is closed.

8. There shall be no order as to costs.

9. Consequently, connected miscellaneous petition is closed.

09.01.2024

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

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for The State of Tamil Nadu,
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4.The Chief Educational Officer,
Cuddalore, Cuddalore District.

5.The District Educational Officer,
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BATTU DEVANAND,J.

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