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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10327 of 2024

1.A.Tamil Selvi
2.A.Tamil Arasi
3.S.Murugan
4.G.Mookaya
5.K.V.Saravana Raman ... Petitioners

Vs.

1.The State of Tamil Nadu
represented by its Secretary to Government,
Backward Class, Most Backward Class
Minorities Welfare Department,
Secretariat,
Chennai.

2.The Commissioner,
Most Backward and De-notified Communities Welfare,
Chennai 600 005.

3.The Joint Director,
Kallar Reclamations,
Old Ramanathapuram collectorate Campus,
Madurai,
Madurai District. ...Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to grant regular time scale of pay in the cadre of Sanitary Worker /Sweeper on par with the existing Sanitary Worker/Sweeper, who are receiving regular time scale of pay of Rs.4800-10,000+G.P. Rs. 1300/-, in the light of common order made in W.P.(MD).Nos.22370 and 22392 of 2021, dated 17.11.2022 and in the light of G.O.Ms.No.29, Backward Class, Most Backward Class Minorities Welfare Department dated 05.03.2024 and by considering the petitioners' representation dated 18.03.2024 within the period that may be stipulated by this Court.

For Petitioners : Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates
For Respondents : Mr.M.Lingadurai
Special Government Pleader

O R D E R

These petitioners have filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to grant regular time scale of pay in the cadre of Sanitary Worker/Sweeper, on par with the existing Sanitary Workers/Sweepers, who are receiving regular time scale of pay

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of Rs.4800-10000+G.P. Rs.1300/-, in the light of common order made in W.P.(MD).Nos.22370 and 22392 of 2021, dated 17.11.2022 and in the light of G.O.(Ms.)No.29, Backward Class, Most Backward Class Minorities Welfare Department, dated 05.03.2024 and by considering the petitioners' representation dated 18.03.2024.

2. Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioners and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioners were working as Sanitary Workers/Sweepers in Government Kallar Higher Secondary School, Chuliotchanpatti, Madurai District. Their appointments were made by following the G.O. (Ms.)No.123, dated 22.10.2012, in the special time scale of pay of Rs. 1300-3000+Grade Pay Rs.300/-, on par with the appointment made under

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G.O.(Ms.).No.47, School Education Department, dated 02.03.2012. In terms of the order passed by the Division Bench of this Court in W.A.(MD).No.1584 of 2018, dated 29.01.2019, the Government issued G.O.(Ms.).No.50, School Education Department, dated 08.03.2019, under which, the Sweepers and Scavengers appointed under G.O.(Ms.).No.47, School Education Department, dated 02.03.2012 were brought under regular time scale of pay Rs.4800-10000+ G.P. 1300/- with notional effect from the date of appointment. However, the said benefits were not extended to the Scavengers appointed in Kallar Reclamation Schools. Hence, the petitioners have made a representation to the respondents on 18.03.2024, seeking to extend the said benefit. Since the respondents have not taken any steps to consider the representation dated 18.03.2024, the present writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As

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such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents to consider the petitioners' representation dated 18.03.2024 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioners and it is open to the respondents to consider the same on its own merits.

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

26.04.2024

NCC: Yes/No
Index : Yes/No
Internet:Yes/No

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To

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