



WP(MD) No.12561 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12561 of 2024
and
W.M.P(MD)No.11214 of 2024

P.Muniyandi

... Petitioner

Vs.

1.The State of Tamilnadu

Rep. by its Secretary to Government,
Tourism, Culture Religious Endowments Department,
Secretariat,
Chennai - 9.

2.The Commissioner of Tourism

Tourist Compound,
Valaja Salai,
Chennai – 2.



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3.The Tourist Officer

Tourist Office,

Kodaikanal,

Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Letter No.5077/MVM 1/2017, dated 10.12.2020 and quash the same and consequently direct the respondents to consider the claims of the petitioner for granting regular time scale of pay of Rs.4800-10 000-1300 (Grade Pay) in the post of Sanitary Worker in the light of the Government Order in G.O.(Ms) No.50 School Education (pa.Ka.4(1)) Department dated 08.03.2019 with all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.J.Ashok

Additional Government Pleader



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ORDER

The petitioner has filed this writ petition seeking for a Writ of Certiorarified Mandamus to quash the impugned order passed by the 2nd respondent in his proceedings in Letter No. 5077/MVM 1/2017, dated 10.12.2020 and consequently, direct the respondents to consider the claims of the petitioner for granting regular time scale of pay of Rs.4800-10 000-1300 (Grade Pay) in the post of Sanitary Worker in the light of the Government Order in G.O.(Ms) No.50 School Education (pa.Ka.4(1)) Department dated 08.03.2019 with all consequential benefits.

2. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

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



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4. The petitioner who has been appointed as a Sanitary Worker in the second respondent Tourism Department in the year 1996 on temporary basis through employment exchange, has been given with special time scale of pay w.e.f., 15.09.2010.

5. The learned counsel for the petitioner submitted that since similarly placed persons in other Departments are given with regular time scale of pay, the petitioner's Department shall not show any pay disparity and hence, the respondents should be directed to consider the claim of the petitioner for regular time scale of pay.

6. Reference was made to the earlier judgments of this Court held in W.P.No.4513 of 2021, wherein, a similarly placed person working in the same Tourism Department, who has challenged the same impugned order, wherein the following observations have been made and the relief has been granted as under:

“3. The petitioner was working as part time



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



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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 also doing the



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similar work.

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."

7. Since this petitioner is also similarly placed person and I feel no difficulty to apply the same logic to the claim of this



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petitioner and give him the same relief.

8. In view of the above stated reasons, this Writ Petition is disposed of 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. Consequently, connected miscellaneous petition is closed.

14.06.2024

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

RM



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To
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.12561 of 2024

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