



W.P.(MD).Nos.15483 & 15485 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.15483 & 15485 of 2021

K.Muthumari

**... Petitioner
(W.P(MD)No.15483/2021)**

S.Subramanian

**... Petitioner
(W.P(MD)No.15485/2021)**

Vs.

**1.The Government of Tamil Nadu,
Represented by its Secretary to Home Department,
Fort St.George,
Chennai-600 009.**

**2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.**

**3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.**

**... Respondents
(In both cases)**

Prayer in W.P(MD)No.15483 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to revise and regularize the service



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seniority of the Sanitary worker at the 3rd Respondent, Virudhunagar District, Srivilliputtur Town Police Station, as the Petitioner worked there from 31.10.2014 to till now. The Petitioner service of sanitary worker brought under the Time Scale of pay by the 3rd Respondent and also on the basis of the G.O. (MD) No.74 dated 27.06.2013 and G.O. (ST) No.81 dated 10.08.2020 issued by the Government of Tamilnadu, Department of Personnel and Administrative Reforms (F) on the basis of the Petitioner's representation, dated 10.12.2020.

Prayer in W.P(MD)No.15485 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to revise and regularize the service seniority of the Sanitary worker at the 3rd Respondent, Virudhunagar District, Srivilliputtur Town Police Station, as the Petitioner worked there from 29.08.2001 to till now. The Petitioner service of sanitary worker brought under the Time Scale of pay by the 3rd Respondent and also on the basis of the G.O. (MD) No.74 dated 27.06.2013 and G.O. (ST) No.81 dated 10.08.2020 issued by the Government of Tamilnadu, Department of Personnel and Administrative Reforms (F) on the basis of the Petitioner's representation, dated 10.12.2020.

For Petitioner : Mr.A.Rajaram

(In both cases)

For Respondents : Mr.D.Gandhiraj
Government Advocate
(In both cases)



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COMMON ORDER

The present writ petitions have been filed seeking a direction to the 2nd and 3rd respondents to revise and regularize the service seniority of the Sanitary worker at the 3rd respondent, Virudhunagar District, Srivilliputtur Town Police Station, as the petitioners worked there from 31.10.2014 & 29.08.2001 respectively to till date. The petitioners' service of sanitary worker to be brought under the Time Scale of pay by the 3rd respondent on the basis of the G.O. (MD) No.74 dated 27.06.2013 and G.O. (ST) No.81 dated 10.08.2020 issued by the Government of Tamilnadu, Department of Personnel and Administrative Reforms (F) on the basis of the Petitioner's representation, dated 10.12.2020.

2. The petitioners were appointed as Scavenger on 31.10.2014 and 29.08.2001 respectively in Srivilliputhur Town Traffic Police Station by the 3rd respondent as sponsored by employment exchange on the basis of their seniority in employment exchange. They were paid with consolidated pay from the date of appointment. While being so, the pay of the petitioners' juniors were converted to time scale of pay from consolidated pay vide proceedings of the



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3rd respondent, dated 11.04.2014. Hence, the petitioners made several representations to regularize their service under time scale of pay and last of such was on 10.12.2020. Since the same were not considered, these writ petitions came to be filed.

3. The learned counsel appearing for the petitioners submitted that similarly placed persons have also approached this Court by filing W.P(MD)No.16871 of 2018 and 8545 of 2019. This Court by an order, dated 10.04.2019 respectively directed the respondents to regularize the pay of the petitioners therein. On that basis, he pressed for allowing the writ petition.

4. The 3rd respondent has filed a counter and the learned Special Government Pleader submitted that the orders passed by this Court in W.P(MD)No.16871 of 2018 and 8545 of 2019 was only to consider the representation of the petitioners therein and to pass appropriate orders. In view of the same, the representation of the petitioners therein were considered and after giving liberty to all the stake holders, the same came to be rejected. In view of the same, the petitioners are not entitled to press for allowing the writ petition. For which, the learned counsel appearing for the petitioners submitted



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that the petitioners are entitled to the relief sought for in his representation in the light of G.O(MD)No.74, dated 27.06.2013 and G.O(ST)No.81 issued by the Government of Tamilnadu, Department of Personnel and Administrative Reforms (F), dated 10.08.2020.

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 the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the above, this Court hereby direct the respondents to consider the representation of the petitioners, dated 10.12.2020 and pass appropriate orders in accordance with G.O(MD)No.74, dated 27.06.2013 and G.O(ST)No.81 issued by the Government of Tamilnadu, Department of Personnel and Administrative Reforms (F), dated 10.12.2020. The said exercise



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shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. Accordingly, both the Writ Petitions stand disposed of. No costs.

10.07.2024

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

1.The Secretary to Home Department,
The Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



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L.VICTORIA GOWRI, J.

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