



WP(MD) No.17845 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17845 of 2024

and

W.M.P.(MD)No.15305 of 2024

A.Selvakumar

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner / Director,
Directorate of Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Ezhilagam, Chepuak,
Chennai – 600 005.

3.The District Backward Classes, Minority Welfare Officer,
Office of the District Collector,
Ramanathapuram,
Ramanathapuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka. L4/19397/2018 dated 05.04.2024 and quash the same as illegal and consequently directing the respondents herein to fix Regular Time Scale of Pay of the petitioner in the post of Sweeper as Rs.4,800-10,000 + 1,300 Grade Pay on par with existing regular sweepers working in the School Education Department and to pay all monetary benefits from the date of the petitioner's initial appointment by considering the representation of the petitioner dated 22.11.2023.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition challenging the impugned order passed by the 3rd respondent herein in Na.Ka. L4/19397/2018 dated 05.04.2024, rejecting the petitioner's request to grant him regular time scale of pay, with a consequential direction to the respondents herein to fix Regular Time Scale of Pay of the petitioner in



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the post of Sweeper as Rs.4,800-10,000 + 1,300 Grade Pay on par with existing regular sweepers working in the School Education Department and to pay all monetary benefits from the date of the petitioner's initial appointment by considering the representation of the petitioner dated 22.11.2023.

2. Heard Mr.C.Gangai Amaran, 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.

4. The petitioner is said to have been appointed as a Sweeper under the third respondent through employment exchange on 02.05.2013. The petitioner was given with consolidated pay and thereafter, he was given with special time scale of pay. The petitioner claims that similarly placed persons have been given with regular time scale of pay. The government has also issued G.O.Ms.No.50, School



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Education Department, dated 08.03.2019, giving regular time scale of pay to the sweepers working in the school education department. Therefore, the petitioner claims that he is also entitled to get regular time scale of pay.

5. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has been given with revised special time scale of pay. To that effect, the Government has also issued G.O.Ms.No.303, Finance (Salaries) Department, dated 11.10.2017, pursuant to 7th Pay Commission. The petitioner's regular time scale of pay can be considered, only if the petitioner is absorbed against regular vacancies.

6. The petitioner was appointed as a Sweeper under the third respondent and he was given with a consolidated pay and thereafter, revised special time scale of pay. Without absorbing the petitioner in regular service, the petitioner cannot expect that he will be given with regular time scale of pay.



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7. Considering the facts and circumstances of this case, this writ petition is disposed by directing the petitioner to send a representation to the Government with regard to the relief sought for in this writ petition and it is for the Government to take a decision in this regard by taking into consideration the long service of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
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TO:-

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R.N.MANJULA, J.

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Order made in
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