



W.P.(MD)No.16251 of 2017

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 30.09.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD)No.16251 of 2017**

Kalishwari

: Petitioner

Vs.

1.The Director,  
Public Libraries,  
Anna Salai,  
Chennai – 600 002.

2.The District Library Officer,  
Tirunelveli District,  
Tirunelveli.

3.The Librarian,  
Rural Library,  
Chathirapatti,  
Chathirapatti Village,  
Thiruvenkadam Taluk,  
Tirunelveli District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned order vide office proceedings in Na.Ka.No.446/E/2017 on the file of the second respondent office dated 20.06.2017 and quash the same as illegal and consequently direct the respondents 1 and 2 to grant special time scale of pay of Rs.1300-3000 + Grade Pay Rs.300/- to the petitioner as per G.O. (Ms).No.385 Finance (Pay Cell Department dated 01.10.2010 with all monetary and other attended benefits within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.T.Amjad Khan

Government Advocate

### **ORDER**

This Writ Petition has been filed challenging the impugned order dated 20.06.2017 passed by the second respondent rejecting the petitioner's request for granting special time scale of pay of Rs.1300 – 3000 + Grade Pay Rs.300/- as per G.O.(Ms).No.385 Finance (Pay Cell Department dated 01.10.2010.

2.Under the impugned order, the petitioner's request was rejected on the ground that the petitioner does not have continuous service at the third respondent library and therefore, she does not satisfy the requirements of G.O.(Ms).No.385 Finance (Pay Cell Department dated 01.10.2010.



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**3.**The petitioner has challenged the impugned order on the ground that by total non-application of mind, the second respondent under the impugned order has held that there is break of service. The petitioner has filed documents along with this writ petition to substantiate her case that there was no break of service as reflected in the impugned order. The petitioner also contends that the second respondent failed to provide any personal hearing to the petitioner before passing the impugned order. According to her, if a personal hearing was given, she would have been able to convince the respondents that there was no break of service and that she is entitled to the benefits of G.O.(Ms).No.385 Finance (Pay Cell Department dated 01.10.2010.

**4.**A counter affidavit has been filed by the second respondent reiterating the contents of the impugned order and denying the contentions of the petitioner as raised in this Writ Petition. Admittedly, the documents filed by the petitioner before this Court to prove that there was no break of service has not been considered under the impugned order. No personal hearing was also afforded to the petitioner before passing the impugned order. The petitioner also contends in this Writ Petition that by total non-application of mind, the impugned order has been passed by the



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second respondent rejecting the petitioner's request for grant of special time scale of pay of Rs.1300 – 3000 + G.P. Rs.300/- as per G.O.(Ms).No.385 Finance (Pay Cell Department dated 01.10.2010. A categorical assertion has also been made by the petitioner that the aforementioned Government Order is applicable to the petitioner's case.

5.Since the impugned order has been passed without considering the documents that have been filed by the petitioner before this Court to substantiate the petitioner's case that there was no break of service and the petitioner was also not afforded a personal hearing by the respondents, before passing the impugned order, this Court, in the interest of justice deems it fit to quash the impugned order dated 20.06.2017 passed by the second respondent and remand the matter to the very same respondent for fresh consideration on merits and in accordance with law after giving due consideration to the documents filed by the petitioner before this Court to substantiate the petitioner's case that there was no break of service and also by affording one personal hearing to the petitioner.

6.In the result, the impugned order dated 20.06.2017 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration



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on merits and in accordance with law within a time frame to be fixed by this Court. The second respondent is directed to pass final orders after giving due consideration to the documents filed along with this writ petition to substantiate the petitioner's case that there is no break of service and also after affording one personal hearing to the petitioner within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

**30.09.2024**

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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**ABDUL QUDDHOSE, J.**

MR

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