



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.7335 of 2019

V.Vasudevan

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Petitioner

Vs.

1.The Government of Tamil Nadu

Rep. by Secretary to the Government,
School Education Department,
Fort.St.George, Chennai -9.

2.The Secretary,

Government of Tamil Nadu,
Finance Department,
Fort.St.George, Chennai-9.

3.The Director of Public Libraries

Anna Salai, Chennai -2

4.The District Library Officer,

Vellore District,
Vellore.

....

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010 to the petitioner and issue a consequential direction to the respondents to provide special time scale of pay as given in the above said government Order from 15.09.2010 to the petitioner and to grant arrears of salary.



For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.T.Cheziyan, AGP

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ORDER

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus to direct the respondents to extend the benefit of G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010 to the petitioner and issue a consequential direction to the respondents to provide a special time scale of pay as given in the above said government Order from 15.09.2010 to the petitioner and to grant arrears of salary.

2.Heard Mr.R.Saseetharan, learned counsel for the petitioner, Mr.T.Cheziyan, learned Additional Government Pleader for respondents and perused the materials available on record.

3.The petitioner has been paid with a consolidated pay for his part time librarian post on and from 01.01.2006. Later it has been raised to Rs.1995/- on 01.11.2015. Despite the petitioner had served for more than 15 years, he has not been given with any time scale pay in accordance with the government order in G.O.Ms.No.385 Finance (pay cell) Department dated 01.10.2010 and G.O.(2D) No.10 School Education Department dated 15.02.2017.



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4. On perusal of the government order issued G.O.Ms.No.385 Finance (pay cell) Department dated 01.10.2010. The head of the departments were requested to send a proposal to the government for approving special time scale of pay for persons who are working as daily wagers or on consolidated pay for three years. The said Government Order has been passed for the benefit of sanitary workers. But however the petitioner also claims the very same relief by claiming parity.

5. The learned Additional Government Pleader for the respondent submitted that the petitioner is not eligible to get the government order issued in G.O.Ms.No.385 Finance (pay cell) Department dated 01.10.2010 which is a special government order issued for the benefit of the sweepers to come under the sanitary workers' classification.

6 The attention was drawn to the judgment of the Hon'ble Supreme Court in *Jawaharlal Nehru Technological University Vs. T.Sumalatha (SMT) and others* report in (2003) 10 Supreme Court Cases 405, wherein it is held that the payment should not be on a meager salary for years together to the employees who are working on a temporary or consolidated basis and that even the consolidated salary should be increased to a level commensurate to the work done by the persons who are performing similar nature of work. Even in the



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instant case, the consolidated salary fixed for the petitioners is lower than the minimum salary that was being paid to the daily wagers of other departments who are doing the mineal work.

7. Despite the petitioner has been working for several years on a meager consolidated pay no government order has been passed and a scheme has been made either to fix a special time scale of pay for the petitioners and similarly placed persons or to regularize their services. Since whatever pay that is being now given to the petitioner is much below the minimum living standards of an individual, I feel it is appropriate for the respondents with all benevolence to revise the salary or to fix a special time scale of pay as requested by the petitioner.

In the result, this writ petition is **disposed** and the respondents are directed to consider the representation of the petitioner dated 01.03.2018, and pass a reasonable orders within a period of four weeks in the light of the above observation.

10.02.2025

jrs



Index : Yes
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Internet : Yes/No

Speaking/Non- Speakingp

Neutral: Yes/No

To

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School Education Department,
Fort.St.George, Chennai -9.

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R.N.MANJULA, J.
jrs

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