



W.P.(MD)No.18039 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18039 of 2025

1.R.Senthilkumar
2.K.Balakrishnan

... Petitioners

-VS-

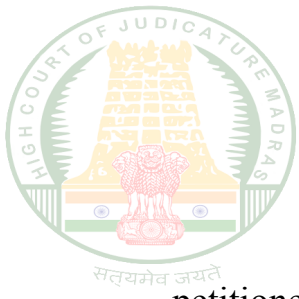
1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Corporation Food and Consumer Protection,
Secretariat, Chennai - 9.

2.The Registrar,
State Consumer Disputes Redressal Commission,
Chennai - 3.

3.The Chairman,
Tamil Nadu State Consumer Disputes Redressal Commission,
Chennai - 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant regular time scale of pay in the cadre of Scavenger on par with the existing Scavengers, who are receiving regular time scale of pay i.e. Rs.4800-10000 plus G.P. Rs.1300/- in the light of order made in W.P.(MD)No.17663 of 2014 dated 25.01.2018, confirmed in W.A.(MD)No.1584 of 2018 dated 29.01.2019 and by considering the



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petitioner's representation dated 12.02.2025, within the period that may be stipulated by this Court.

For Petitioners : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

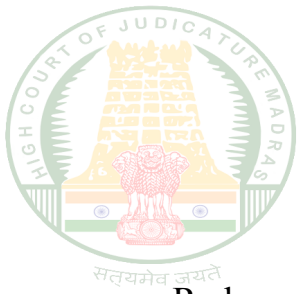
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the respondents to grant regular time scale of pay in the cadre of Scavenger to the petitioner, on par with similarly placed Scavengers, who are receiving regular time scale of pay, *i.e.*, Rs.4800–10000 with Grade Pay of Rs.1300/-, in the light of the order passed in W.P.(MD)No.17663 of 2014 dated 25.01.2018, as confirmed in W.A.(MD)No. 1584 of 2018 dated 29.01.2019 and by considering the petitioner's representation dated 12.02.2025, within the time frame that may be stipulated by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioners, they were initially appointed as 'Sanitary Workers / Scavengers' on a daily wage basis in the District Consumer Disputes



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Redressal Commissions at Theni and Tirunelveli and their services were later brought under special time scale of pay vide proceedings dated 06.09.2012, pursuant to Government sanction for non-teaching posts. Despite rendering continuous and satisfactory service, the petitioners are receiving a pay scale of only Rs.1300–3000 with Grade Pay of Rs.300/-, which is significantly lower than that of granted to similarly placed Scavengers in the School Education Department, who are drawing a regular time scale of Rs.4800–10000 with Grade Pay of Rs.1300/-. This Court, in W.P.(MD)No.17663 of 2014, directed the Government to extend the regular time scale of pay to such Scavengers, which was upheld in W.A.(MD) No.1584 of 2018 and later implemented by the Government through G.O.(Ms)No.50, School Education Department, dated 08.03.2019.

4. Further, in W.P.(MD)Nos.22370 and 22392 of 2021, this Court held that even Sanitary Workers in Kallar Reclamation Schools (not directly under the School Education Department) are entitled to the same regular time scale of pay, which was subsequently implemented by the Government via G.O.(Ms) No.29, BC, MBC & Minorities Welfare Department, dated 05.03.2024.

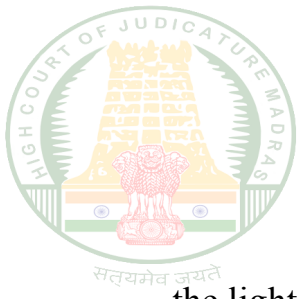


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5. The petitioners, despite performing identical duties and holding equivalent posts, have been unjustly excluded from the benefit of regular time scale of pay, resulting in hostile discrimination and violation of Article 14 of the Constitution of India. In this regard, the petitioners submitted a representation dated 12.02.2025, requesting parity in pay, but no action has been taken, despite clear judicial pronouncements and Government Orders in favour of the similarly situated employees.

6. It is settled position in law, as laid down by the Hon'ble Supreme Court in **State of Punjab vs. Jagjit Singh** [(2017) 1 SCC 148], that temporary or contractual employees performing similar duties are entitled to equal pay as that of regular employees. The petitioners are presently drawing only Rs.10,500/- per month, which is grossly inadequate in today's cost of living, causing severe financial hardship and injustice. Hence, the petitioners are constrained to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the respondents to grant them regular time scale of pay on par with similarly placed Scavengers, in



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the light of the above legal and factual matrix.

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7. Heard both sides.

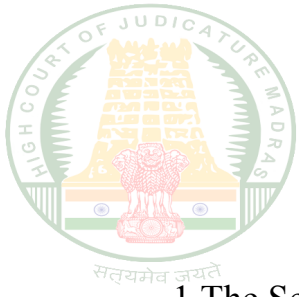
8. Considering the above facts and circumstances of the case, this Court directs the first respondent to consider the petitioners' representation dated 12.02.2025, in the light of the order dated 25.01.2018 passed in W.P.(MD)No. 17663 of 2014, as confirmed in W.A.(MD)No.1584 of 2018 dated 29.01.2019 and pass appropriate orders on merits and in accordance with law, after affording the petitioners an opportunity of personal hearing, within a period of two months from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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To:-



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1. The Secretary,
State of Tamil Nadu,
Department of Corporation Food and Consumer Protection,
Secretariat, Chennai - 9.
2. The Registrar,
State Consumer Disputes Redressal Commission,
Chennai - 3.
3. The Chairman,
Tamil Nadu State Consumer Disputes Redressal Commission,
Chennai - 600 003.



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VIVEK KUMAR SINGH, J.

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