

In the High Court of Judicature at Madras

Dated: 08.09.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28157 of 2015

1. N.Surendiran
 2. S.Ambrose
 3. B.V.Ganeshram
 4. S.Sekar
 5. R.Jayakumar
 6. S.Nandagopal
 7. Deivasigamani
 8. K.Arumugam
- Petitioners

Vs

1. The Government of Tamilnadu
rep. by its Secretary,
Municipal Administration and
Water Supply Department
Fort St. George, Chennai - 600 009.
 2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
- Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the respondents to forthwith bring the scale of pay of the petitioners in the post of Basic Health Worker which was subsequently re-designated as Multi Purpose Health Assistant on par with Multi Purpose Health Assistant working in the Directorate of Public Health Department with effect from 04.11.1988 continuously and also in future and pay the monetary and other attendant benefits including arrears from 04.11.1988 continuously.

For Petitioner : Mr.K.Raja

For Respondents : Mr.R.Vijayakumar, AGP - R1
Mr.G.Anantha Rangan - R2

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioners would state that they were appointed as Basic Health Worker in the Chennai City Municipal Corporation/second respondent. They claimed that they have passed Secondary School Leaving Certificate Examination. The petitioners further state that the Basic Health Worker in the Chennai City Municipal Corporation as well as in the Directorate of Public Health Department were given equal scale of pay, as the duties and responsibilities performed by them are one and the same. The qualification wise also, they were similarly placed. The Government issued G.O.Ms.No.1936 Health and Family Welfare Department, dated 29.9.1982, in and by which, the Multi Purpose Health Scheme was introduced in the Directorate of Public Health Department, as a result of which, the post of Health Inspector was re-designated as Multi Purpose Health Supervisor and Basic Health Worker was re-designated as Multi Purpose Health Assistant. The said Government Order came into effect from 04.11.1988. Therefore, according to the petitioners, from 04.11.1988 onwards, the duties and responsibilities performed by the Basic Health Worker in Chennai City Municipal Corporation are in parimateria with the duties and responsibilities performed by the Multi Purpose of Health Assistant of the Directorate of Public Health Department. The petitioners would state that even though the Chennai City Municipal Corporation has passed a resolution changing the nomenclature of the post of Basic Health Worker to Multi Purpose Health Assistant, no action has been taken to implement the same.

3. The grievance now expressed by the petitioners is that pay scale of similar persons in the Directorate of Public Health Department were hiked then and there in the pay commission revision from 04.11.1988, whereas, the petitioners have not been given the corresponding benefit and in this regard, they have submitted detailed representations dated 24.11.2014 and 16.07.2015 to the respondents and since no response is forthcoming, they came forward to file this Writ Petition.

4. Heard the submissions of the learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.G.Anantha Rangan, who accepts notice on behalf of the second respondent.

5. Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs respondents 1 and 2 to consider and dispose of the representations of the petitioners dated 24.11.2014 and 16.07.2015 on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

The Writ Petition is disposed of accordingly. No costs.

sl

-s/d-
Assistant Registrar (CS-II)

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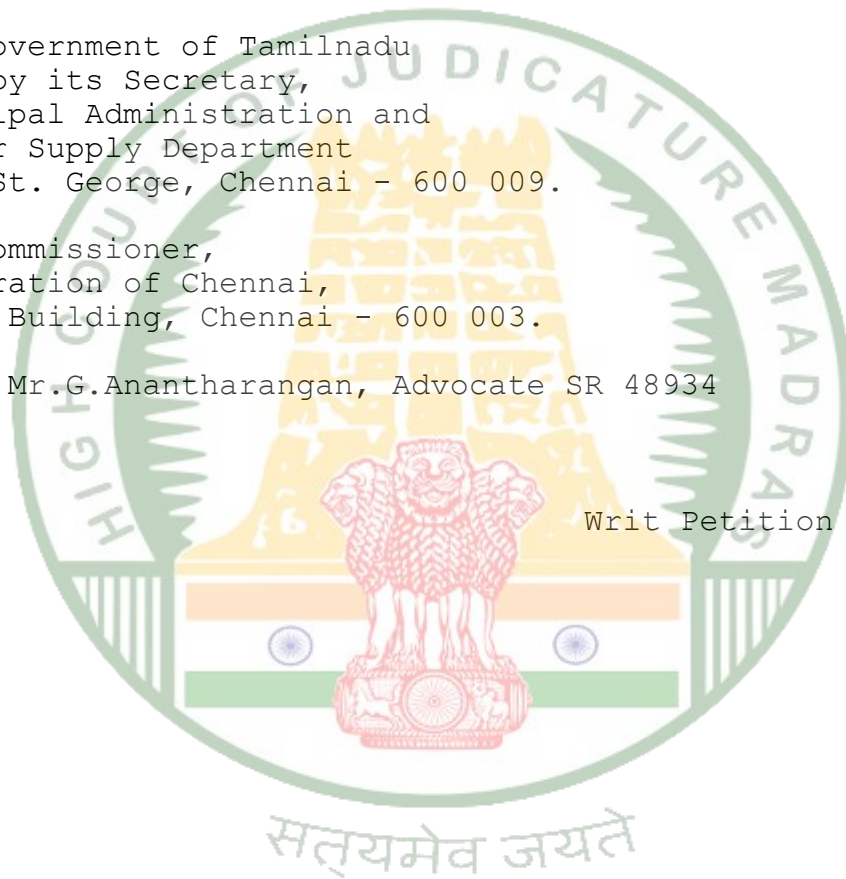
Sub-Assistant Registrar

To

1. The Government of Tamilnadu
rep. by its Secretary,
Municipal Administration and
Water Supply Department
Fort St. George, Chennai - 600 009.
 2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
- + 1 cc to Mr.G.Anantharangan, Advocate SR 48934

vsn(co)
prk30/9

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