

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 7.10.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31694 of 2015

1 D.Vetrivel
2 S.Rajkumar
3 C.Sakthivel
4 M.Balasubramanian
5 S.Dhanasekaran
6 N.Jayabharathi
7 T.Ramesh
8 S.Sivasankari
9 S.Kanikkai Mary Mercy
10 Sripriya
11 S.Saravanan
12 Rajarajeswari
13 T.Vennila
14 Sivagamisundari
15 Kamalan
16 G.Kabildevu
17 P.Ramesh
18 A.Selvaraj
19 R.Amutha
20 V.Kavitha
21 S.Sumathi
22 P.Atirstalakshmi
23 S.Kavitha
24 C.Megala
25 S.Rasu
26 B.Parvathi
27 S.Dass
28 M.Vennila
29 R.Baskar
30 R.Vijayakumar

Petitioners

vs.

1 The State of Tamil Nadu
Rep. by its Principal Secretary to
Government
Health and Family Welfare
Department
Secretariat Fort St.George
Chennai-600 009

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- 2 The Director of Public Health
and Preventive Medicine
DMS Compound Anna Salai
Teynampet Chennai-600 006
- 3 The Director of Medical and
Rural Health Services
DMS Compound Anna Salai
Teynampet Chennai-600 006.
- 4 The Director of Medical Education
Kilpauk Chennai-600 010.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to pass appropriate orders for upgradation of the post of Lab Technician Grade III coming under Tamil Nadu Public Health Subordinate Services as Lab Technician Grade II in the revised pay scale of Rs.9300-34800+4200 GP on par with Lab Technician Grade II working in other Directorates with same qualification and consequently upgrade the petitioners to the post of Lab Technician Grade II with fixation of pay and other consequential benefits within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sakaran

For Respondents: Mr.N.Srinivasan, Additional Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that they are qualified with Higher Secondary Course as well as Certificate in Medical Lab Technology (CMLT), which is for one year duration undergone in the Institution recognized by DME and appointed as Lab Technician Grade III in the Department of Public Health and Preventive Medicine which comes under the Tamil Nadu Public Health Services.

3. The petitioner would state that after 1996, two years DMLT course was started and the post of Lab Technician Grade II in DMS and DME side were filled up with qualification of Higher Secondary and CMLT till the year 2007 and thereby the persons with the said qualification are working as Lab Technician Grade II in DMS and DME side. It is further contended that since there was no post of Lab Technician Grade II in the Department of Public Health, the petitioners were appointed as Lab Technician Grade III and as per the Tamil Nadu Recognized Pay Scale Rules 2006, the post of Lab Technician Grade II is fixed in the pay scale of Rs.5200-20,200 with the grade pay of 2400 whereas the post of Lab Technician Grade II is fixed with the pay scale of Rs.9300-34,800 with the grade pay of

Rs.4200 and on account of the same, there is a serious pay disparity between the Lab Technician Grade II working in DMS and DME side and the Lab Technician Grade III working in the Department of Public Health and in this regard, a proposal was forwarded by the second respondent to the first respondent in his proceedings in Na.Ka.No.113639/pa.tho.2/e1/2010 dated 11.2.2011 and inspite of the same, the grievance of the petitioners are yet to be redressed and as a result, the petitioners have come forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this court, by order dated 11.9.2003 in W.P.No.24404 of 2013, has directed the first respondent to consider and dispose of the petitioner's representation dated 31.8.2010 in accordance with law within a stipulated period and prays for appropriate orders.

5. This court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice for the respondents.

6. Though the petitioner has prayed for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the case, this court directs the first respondent to act on the proposal of the second respondent dated 11.2.2011 and pass orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioner.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

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To

- 1 The Principal Secretary to
Government the State of Tamil Nadu
Health and Family Welfare
Department
Secretariat Fort St.George
Chennai-600 009
 - 2 The Director of Public Health
and Preventive Medicine
DMS Compound Anna Salai
Teynampet Chennai-600 006
 - 3 The Director of Medical and
Rural Health Services
DMS Compound Anna Salai
Teynampet Chennai-600 006.
 - 4 The Director of Medical Education
Kilpauk Chennai-600 010.
- + 1 cc to Mr.G. Sankaran, Advocate sr.54872
+ 1 cc to the Government Pleader Sr.54753

W.P.No.31694 of 2015

JSV(CO)
Eu 14.10.15

सत्यमेव जयते

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