

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.27560 of 2016

- 1.S.Khadirvel
- 2.A.Sivakumar
- 3.M.Ranganathan
- 4.R.Ilangovan
- 5.R.Kumaresan
- 6.A.Devakumar
- 7.R.Krishnan
- 8.S.Ranganathan
- 9.C.Munusamy
- 10.M.J.Venkatesan

... Petitioners

Versus

1. The Principal Secretary to Government
Finance Department,
Fort St. George,
Chennai 600 009.
2. The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai 600009.
3. The Director of Family Welfare,
DMS Complex,
Teynampet,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioners dated 21.04.2016 for revision of scale of pay of the petitioners in the post of Family Welfare Assistant (Male) on par with the scale of pay of Family Welfare Assistant (Female).

For petitioners
For Respondents

: Mr.R.Prem Narayanan
: Mr.P.Chinnadurai
Government Advocate

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioners dated 21.04.2016 for revision of their scale of pay in the post of Family Welfare Assistant (Male) on par with the scale of pay of Family Welfare Assistant (Female).

3. According to the petitioners, they were initially appointed as Family Welfare Assistant in the year 1986, 1987 and 1988 respectively and subsequently promoted to the post of Block Health Statistician and they are working as such till date. It is further stated that the post of Family Welfare Assistant was created under the Family Welfare Programme which was implemented by the State Government. At the time of creation of the post of Family Welfare Assistant (Male), the scale of pay was fixed on par with the scale of pay of Junior Assistants. Since the educational qualification for both the posts are same i.e. a pass in the Final School Examination, the post of Family Welfare Assistant (Female) was created and the educational qualification for the said post is lesser than that of Family Welfare Assistant (Male) i.e., they require a mere pass in 8th Standard and should have undergone 6 months training programme in the Deputy Nursing Training Certificate Course. Considering the lesser qualification required for appointment to the said post of Family Welfare Assistant (Female), their scale of pay was fixed lesser than the scale of pay of Family Welfare Assistant (Male). While that being so, in the third pay commission, the scale of pay of Family Welfare Assistant (Male) was fixed at Rs.555-15-615-795 i.e. one stage lower to the scale of pay of Junior Assistants. Based on the recommendations of the one man committee, the scale of pay of Family Welfare Assistant (Female) was fixed over and above the scale of pay of Junior Assistant i.e. in the scale of pay of Rs.610-20-730-25-955-30-1075.

4. The grievance of the petitioners is that since the Family Welfare Assistants (Male) and Family Welfare Assistants (Female) perform same function and in fact the educational qualification for appointment to the post of Family Welfare Assistants (Male) is higher than that of Family Welfare Assistants (Female), the respondents fixed lower scale of pay to the Family Welfare Assistants (Male). In this regard, the petitioners made several representations to the respondents to revise their scale of pay in the post of Family Welfare Assistants (Male) on par with the scale of pay of Family Welfare

Assistants (Female) and accordingly to pay arrears. Since, no action has been taken till date, the petitioners have come forward with this writ petition seeking for the aforesaid relief.

6. Heard the learned counsel appearing on either side. The learned Government Advocate appearing for the respondents has no objection for this Court passing an order directing the first respondent to consider the representation of the petitioner dated 21.04.2016.

7. In view of the submissions made by the learned counsels appearing on either side, the first respondent is directed to dispose of the representation, dated 21.04.2016, on merits and in accordance with law, as expeditiously as possible. However, it is made clear that this Court, by this order, has not expressed any opinion on the merits of the matter.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arr/rsh

To

1. The Principal Secretary to Government,
Finance Department,
Fort St. George,
Chennai 600 009.
2. The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai 600009.
3. The Director of family Welfare,
DMS Complex, Teynampet, Chennai.

+1 CC to Mr. R. Prem Narayan, Advocate, Sr.45686
+1 CC to Govt. Pleader, Sr.No.45232

WP No.27560 of 2016

GJ (CO)

MD : 19/09/2016