

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6030 of 2017

B.Venkatesan

.. Petitioner

-vs-

1. The Secretary
Health & Family Welfare Department
Secretariat
Chennai-9

2. The Director of Drugs Control
No.359, Anna Salai
Teynampet, D.M.S.Complex
Chennai-6

3. The Government Analyst
Drug Testing Laboratory
Teynampet
Chennai-6

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 12.07.2016 submitted through the third respondent who has recommended and forwarded the petitioner's representation dated 12.07.2016 vide letter Ref.No.994/A2/2016 dated 11.08.2016 to the second respondent for further action and in turn the second respondent by letter dated 26.12.2016 along with their comments had forwarded the petitioner's representation dated 12.07.2016 vide letter Ref.No.Na.Ka.No.6459/Ne3/2014 dated 26.12.2016 to the first respondent for further action and pass necessary orders re-fixing the petitioner's pay at the Pay Scale at Rs.9300-34800+4200 in accordance conformity and in parity with G.O.Ms.No.296, Finance (Pay Cell) Department, 26.08.2010 as fixed for Laboratory Technicians Grade II in other Health Departments within a time frame as may be stipulated by this Hon'ble Court.

For Petitioner :: Mr.Y.Bhuvanesh Kumar

For Respondents :: Mr.K.Thangapandi
Government Advocate

ORDER

The writ petitioner, who was working as Laboratory Attendant from 30.1.2008, was promoted to the post of Laboratory Technician Grade II and posted in the office of the Government Analyst, Drugs Testing Laboratory, Chennai vide order dated 5.3.2008 in D.Dis.No.5748/A1/2006. While the petitioner is fully qualified for appointment as Laboratory Technician Grade II, the pay scale as per the Sixth Pay Commission in G.O.Ms.No.234, Finance (Pay Cell) Department dated 1.6.2009 was granted to the petitioner. Thereafter, the Government of Tamil Nadu also constituted a One Man Commission in G.O.Ms.No.444, Finance (Pay Cell) Department dated 9.9.2009 to examine the anomalies consequent on the implementation of the recommendations of the Official Committee, 2009. On this basis, the One Man Commission, which was constituted by the Government of Tamil Nadu, recommended for revision of scales for certain categories in Medical Education and Medical & Rural Health Services Department. This was accepted by the State Government and thereupon issued G.O.Ms.No.296, Finance (Pay Cell) Department dated 26.08.2010 revising the scales of pay and re-designating certain posts in Medical Education and Medical & Rural Health Services Department. When the said G.O.Ms.No.296, Finance (Pay Cell) Department dated 26.08.2010 makes it clear that the existing scale of pay plus grade pay (Rs.5200-20200+2400) for the post of Laboratory Technician Grade II has been revised to Rs.9300-34800+4200, in spite of the said recommendation made by the One Man Commission, which has resulted in the issuance of G.O.Ms.No.296, Finance (Pay Cell) Department dated 26.08.2010, the case of the petitioner has not been considered. Therefore, the petitioner has made a representation on 12.7.2016. Since the said representation is pending for a long time, he has approached this Court seeking a direction to the first respondent to consider his representation.

2. Mr.K.Thangapandi, learned Government Advocate, taking notice on behalf of the respondents, sought for ten weeks time to consider the representation of the petitioner.

3. This Court, without going to the merits of the matter, hereby directs the first respondent to consider the representation of the petitioner dated 12.7.2016 and pass appropriate orders in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

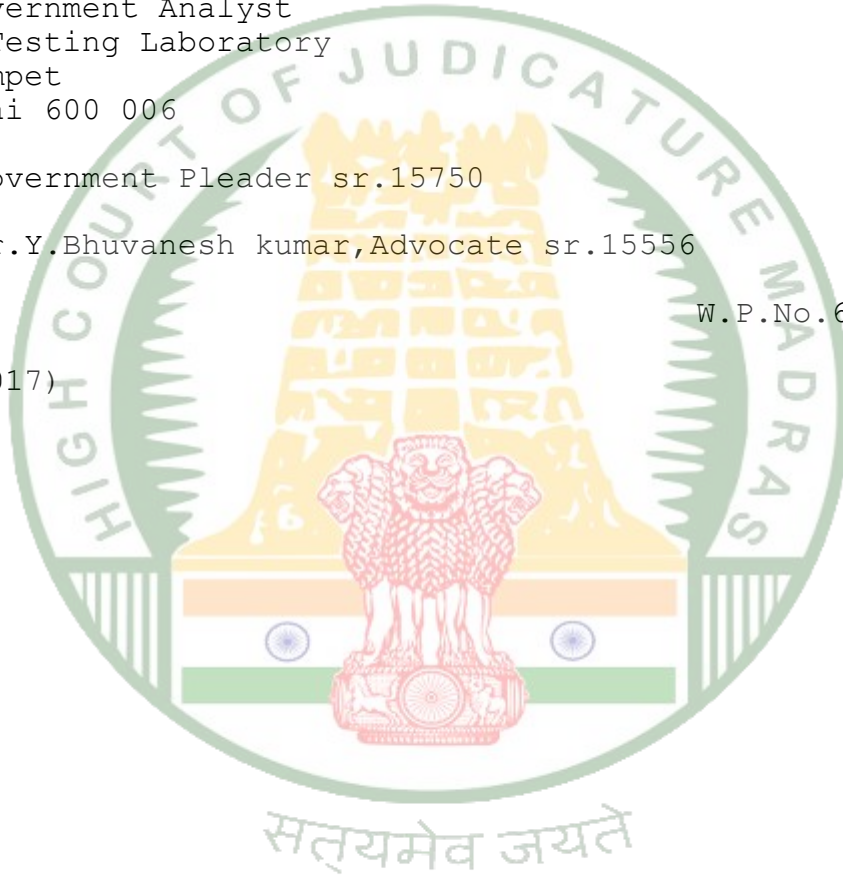
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Chennai 600 006
3. The Government Analyst
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Teynampet
Chennai 600 006

+1cc to Government Pleader sr.15750

+1cc to Mr.Y.Bhuvanesh kumar,Advocate sr.15556

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sv1(co)
ss(22/3/2017)



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