

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.2345 of 2013

V.Prabhakar

Appellant/Petitioner

Versus

1. The State of Tamilnadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Principal Secretary to Government,
Fin (PC) Department,
Fort St. George, Chennai 600 009.
3. The Director of Medical and Rural
Health Services, Chennai 600 006.
4. The Joint Director of Health Services
Cuddalore.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 2.1.2013 passed in W.P.No.6663 of 2011 on the file of this court. Writ petition under Article 226 of the constitution of India praying for the issuance of writ of certiorarified Mandamus calling for the records on the file of the Second respondent in Government Letter No.73087/Pay Cell/2009-2 dated 16.07.2010 and quash the same and directing the respondents to fix the scale of pay of the post of Social Worker (Venereal Disease) in the scale of Pay Rs.1350-2200 as per G.O.MS.No.104 Finance dated 30.01.1990 on par with the Dental Mechanic Hygienist Ophthalmic Assistant and Refractionist with retrospective effect from 01.06.1988 and consequently direct the respondents to refix the scale of pay of the petitioner in the post of Medical Social Worker (Venereal Diseases) and also direct the respondents to fix the pension of the petitioner in accordance with law in the above terms and also direct the respondents to disburse the same with arrears.

For appellant : Mr.G.Amalraj

For RR1 to 3 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. It appears that the appellant/writ petitioner, who is working as a social worker, seeking parity of the payscale with the DentalMechanic, Dental Hygienist, Ophthalmic Assistant and Refractionist, made a claim before the learned Single Judge and that has been rejected by the learned Single Judge which is under challenge in this appeal.

3. We do not find any reason to consider the belated claim after lapse of nearly twenty years and there is no end for such litigations as such we do not find reason to interfere with the order passed by the learned Single Judge. Moreover, the category of Social Worker is also not included in the G.O. based on which the pay of the category against whom the petitioner seeks parity was fixed. As such, we do not find any justification to interfere with the order passed by the learned Single Judge. The appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Principal Secretary to Government,
Fin (PC) Department,
Fort St. George, Chennai 600 009.
3. The Director of Medical and Rural
Health Services, Chennai 600 006.
4. The Joint Director of Health Services
Cuddalore.

+ 1 cc to Mr. G. Amal Raj, Advocate Sr.82192

+ 1 cc to M/s. Government Pleader Sr.81724

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VGII (CO)

EU (06/12/2017)

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