



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

W.P. (MD) .No.3803 of 2011

and

M.P. (MD) No.1 of 2012

- 1.R.Rajathurai
- 2.B.Ponnupillai
- 3.S.Nambirajan
- 4.C.Ramachandra Kavitha
- 5.I.Thankaraj
- 6.D.Kingsley Christoper
- 7.A.DevaKumar
- 8.S.Kathirvel
- 9.M.Ranganathan
- 10.M.J.Venkatesan
- 11.R.Elangovan
- 12.R.Kumaresan

(Petitioners 7 to 12 are impleaded vide Court
order dated 15.03.2017
in W.M.P (MD) No.7985/16)

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George,
Chennai-600 009.
2. The Principal Secretary to the Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
3. The Director of Family Welfare,
Chennai-600 008.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to revise the scale of pay of the petitioners as Block Health Statisticians as Rs.9,300-34,800 per month with appropriate Grade Pay of Rs.4,400/- per month with effect from 01.01.2006 which is the date of revision of scale of pay as per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 with all consequential



For Petitioners
For Respondents

:Mr.K.N.Thampi
:Mr.S.Satheesh Kumar
Additional Government Pleader

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ORDER

The petitioners seek a writ of mandamus directing the respondents to revise the scale of pay of the petitioners as Block Health Statistician as Rs.9,300-34,800/- with grade pay of Rs.4,400/- per month with effect from 01.01.2006 i.e. the date of revision of scales of pay as per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, with all consequential benefits.

2.The petitioners are working as Block Health Statisticians. Originally their scale of pay was Rs.125-5-175 in the first pay commission. The scale of pay was revised by the second pay commission as Rs. 250-10-400 and the third pay commission revised their pay as Rs.400-700. By G.O.Ms.No.555 dated 10.06.1985 a further revision was made as Rs.705-1230. In the 5th pay commission, the pay of the petitioners was revised as Rs.1200-2040. By G.O.Ms.No.666 Finance (Pay Cell) Department, dated 27.06.1989, the pay was further revised at Rs.4000-100-6000. By G.O.No.162, Finance (Pay Cell) Department, dated 01.06.2009, the scale of pay was further revised as Rs.5200-20200 with the grade pay of Rs.2,400/-.

3. By G.O.Ms.No.234 dated 01.06.2009, orders were issued to remove anomaly in the scale of pay based on the One Man Commission Report. There was no change in the scale of pay of the petitioners. However, in respect of other posts namely, Pharmacist, Lab Technician Grade I, Lab Technician Grade II, Health Visitors (Redesignated as Senior Health Nurse) and Health Inspector. The pay was revised based on the recommendations of the one man commission from Rs.5,200-20,200/- with grade pay of 2,800/- and to Rs.9,300-34,800/- with grade pay of Rs.4,200/- by G.O.Ms.No.296, dated 26.08.2010.

4.The petitioners made several representations seeking to remove anomaly based on the recommendations of the one man commission and sought for fixation to pay on par with the above posts. Since no order has been passed, the present writ petition has been filed.

5.As per the fixation done under G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009, the scales of pay for the various posts is as follows:-

Computors (Block Health Statistician)	Rs.5,200-20,200/- Grade Pay Rs.2,400/-
Pharmacist	Rs.5,200-20,200/- Grade Pay Rs.2,800/-
Lab Technician Grade	Rs.5,200-20,200/- Grade Pay Rs.2,800/-
Lab Technician Grade II	Rs.5,200-20,200/- Grade Pay Rs.1,900/-
Health Visitor (Redesignated as Senior Health Nurse)	Rs.9,300-34,800/- Grade Pay Rs.2,800/-
Health Inspector	Rs.5,200-20,200/- Grade Pay Rs.2,800/-

6.From the above, it could be seen that at least the posts of Pharmacist, Lab Technician Grade I, Lab Technician Grade II and Health Inspectors were on the same scale of pay as that of the petitioners. In the case of Lab Technicians Grade II, the grade pay was more than that of the Block Health statistician.

7.On the basis of the orders of the One Man Commission, the revision pay scales as per the recommendations of the One Man Commission Report are as follows:-

Computors (Block Health Statistician)	No change
Pharmacist	Rs.9300-34800 Grade Pay Rs.4,200/-
Lab Technician Grade I	Rs.9300-34800 Grade Pay Rs.4,200/-
Lab Technician Grade II	Rs.9300-34800 Grade Pay Rs.4,200/-
Health Visitor (Redesignated as Senior Health Nurse)	No change
Health Inspector	Rs.9300-34800 Grade Pay Rs.4,200/-

Therefore, it could be seen that actually a pay anomaly has

occurred while implementing the recommendations of the One Man Commission.



8.The petitioners had given representations to the Pay Cell for revising pay anomaly. On the basis of the same, except revising the grade pay of the petitioners from Rs.2,400/- to Rs.2,800/- no other demands of the petitioners were met. In my considered opinion, it amounts to unreasonable discrimination against the petitioners. Therefore, it becomes an obligation on the part of the Government to remove the disparity and rectify the anomalies based on the report of One Man Commission.

9.The writ petition is allowed directing the Government to consider the case of the petitioners and take steps to rectify the anomalies and refix the scale of pay of the petitioners in tune with the recommendation of One Man Commission and pass appropriate orders within a period of four months from the date of receipt of a copy of this order. Rule nisi is made absolute. No costs. Consequently, M.P(MD)No.1 of 2012 is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to the Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St.George,
Chennai-600 009.
2. The Principal Secretary to the Government of TamilNadu,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
3. The Director of Family Welfare,
Chennai-600 008.

+1 CC to M/s.K.N.THAMPI, Advocate, SR No. 62658.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 62841.

RMI/VSG

PSM/MR-KKR/SAR3/19.07.2017/4P/6C

W.P. (MD) .No.3803 of 2011
and

M.P. (MD) No.1 of 2012
29.06.2017