

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28951 of 2010

- 1.A.Deivasigamani
- 2.S.Dhanakumar
- 3.P.Marimuthu
- 4.P.Narayanan
- 5.D.Thulasidar
- 6.P.Jeevanandham
- 7.P.Gopal
- 8.K.Pichamani
- 9.K.Jagadeesan
- 10.L.Venkatachalapathi
- 11.E.Palsamy
- 12.K.Rajeshwari
- 13.A.Balasundaram
- 14.K.Sundararaj
- 15.C.Anusamy
- 16.S.Ranganathan
- 17.R.Krishnan
- 18.R.S.Kottaichame
- 19.V.Natarajan
- 20.V.Jayaraman
- 21.A.Kumaresan
- 22.G.Radhakrishnan
- 23.P.Ramalingam
- 24.K.Parthiban
- 25.M.Mohan Kumar
- 26.P.Natarajan
- 27.C.Balakrishnan

.... Petitioners

- 1.The Government of Tamil Nadu
Rep. by the Principal Secretary to the
Government, Finance (Pay Cell)
Department, Fort St. George,
Chennai - 600 009.

- 2.The Principal Secretary to the Government
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 to issue a Writ of Mandamus directing the respondents to revise the scale of pay for the post of Block Health Statistician held by the Petitioners to Rs. 9300-34800 as done

in the case of other Block level posts in G.O.Ms. No.297 Finance (Pay Cell) Department, dated 26.8.2010 and G.O.Ms.No.298 Finance (Pay cell) Department, dated 26.8.2010 with effect from the date of revision granted to the said categories and grant all consequential benefits to the petitioners.

For Petitioners : Mr.P.Rajendran
For Respondents : Mr.J.Ramesh, AGP

O R D E R

The petitioners have come up with the present writ petition for a mandamus directing the respondents to revise their scale of pay as Block Health Statistician as Rs.9,300-34,800/- as done in the case of other Block level posts vide G.O.Ms.No.297 Finance (Pay Cell) Department, Dated 26.08.2010 and G.O.Ms.No.298 Finance (Pay Cell) Department, Dated 26.08.2010 with effect from the date of revision granted to the said categories and grant all consequential benefits to them.

2.According to the petitioners, they are working as Block Health Statisticians in the Health and Family Welfare Department at various Government Primary Health Centres and their scale of pay is Rs.5200-20200 with the grade pay of Rs.2,400/-. While so, the Government constituted One Man Commission in G.O.Ms.No.444, Finance (PC) Department, Dated 9.9.2009 to examine anomalies, if any, consequent on the implementation of the recommendations of the Official Committee, 2009. Though the Government issued several orders in G.O.Ms.Nos.254 to 337, Finance (Pay Cell) Department, dated 26.08.2010, revising the scale of pay of several categories of posts in various departments, based on the recommendations of the One Man Commission, no revision has been made in the case of Block Health Statisticians, which compelled the petitioner Association to submit a representation dated 29.09.2010 to the Government requesting to rectify the pay anomaly and revise the scale of pay of Block Health Statisticians. However, no order has been passed till date. Hence, this writ petition.

3.When the matter was taken up for consideration, the learned counsel for the petitioners submitted that in similar circumstances, the Madurai Bench of this Court, vide order dated 29.06.2017 in WP.(MD).No.3803 of 2011 [R.Rajathurai and others v. The Government of Tamil Nadu and two others], allowed the said writ petition in favour of the petitioners therein and the said order has not been challenged till date. Therefore, the learned counsel prayed for a similar order in this writ petition also.

4.The respondents have filed a counter affidavit inter alia stating that One Man Commission, 2009, considering the nature of duties and job responsibilities attached to the post of Block

Health Statistician, had not made any recommendation for revision of scale of pay and hence, there is no merit on the request of the petitioners. However, the learned Additional Government Pleader appearing for the respondents fairly conceded to pass an order relied on by the learned counsel for the petitioners, in this writ petition.

5. In the order cited by the learned counsel for the petitioners, this Court, while allowing the writ petition, in favour of the petitioners therein, observed as follows:

"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 - 20,000/- Grade Pay Rs. 2,400/-
Pharmacist	Rs. 5,200 - 20,200/- Grade Pay Rs. 2,800/-
Lab Technician Grade I	Rs. 5,200 - 20,200/- Grade Pay Rs. 2,800/-
Lab Technician Grade II	Rs. 5,200 - 20,200/- Grade Pay Rs. 2,400/-
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. 9,300 - 34,800/- Grade Pay Rs. 4,200/-
Lab Technician Grade I	Rs. 9,300 - 34,800/- Grade Pay Rs. 4,400/-
Lab Technician Grade II	Rs. 9,300 - 34,800/- Grade Pay Rs. 4,200/-

Lab Technician Grade I	Rs.9,300 - 34,800/- Grade Pay Rs.4,400/-
Health Visitor (Redesignated as Senior Health Nurse)	No Change
Health Inspector	Rs.9,300 - 34,800 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."

The above said order, in my considered view, will hold good for this writ petition also, as the petitioners herein are the similarly placed persons like that of the petitioners therein.

6.Accordingly, 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. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to the
Government of Tamilnadu, Finance (Pay Cell)
Department, Fort St. George,
Chennai - 600 009.

2.The Principal Secretary to the Government
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

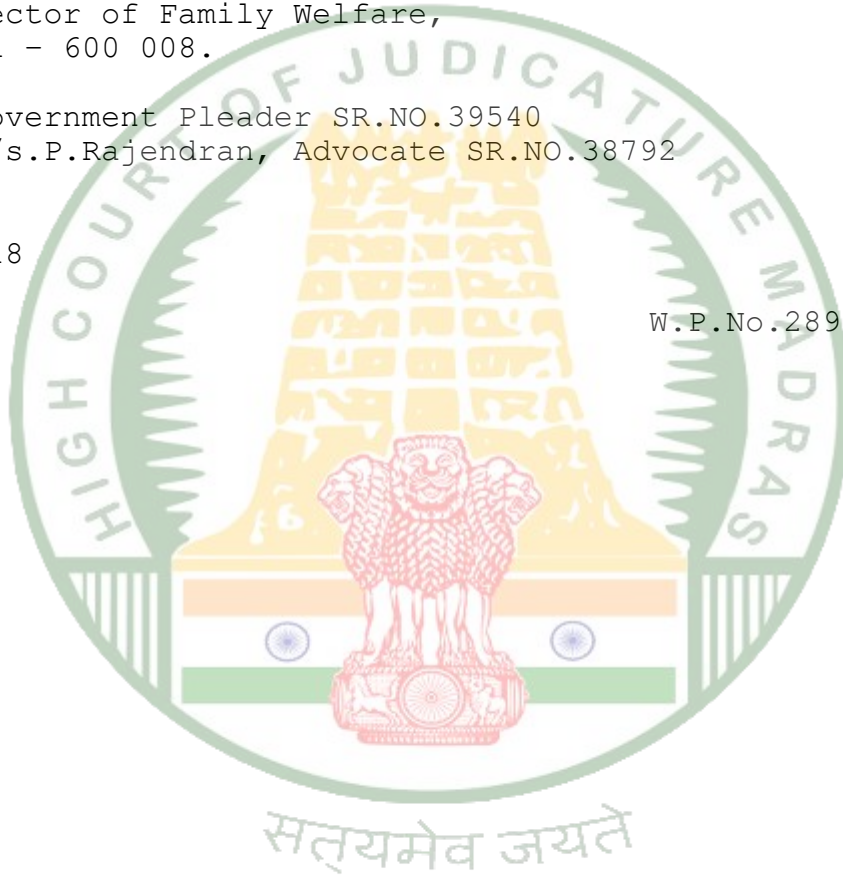
3.The Director of Family Welfare,
Chennai - 600 008.

+1cc to Government Pleader SR.NO.39540

+1cc to M/s.P.Rajendran, Advocate SR.NO.38792

BR(CO)
sm:6.9.2018

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