



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.21189 & 21190 of 2012

T.Kannappan
Male Nursing Assistant,
Government Primary Health Centre,
Erisanampatti,
Udumalpet Taluk,
Tiruppur District. ...Petitioner in WP.No.21189/2012

P.Velliangiri
Male Nursing Assistant,
Government Primary Health Centre,
Kaliveerampalayam,
Bharathiyar University Post,
Coimbatore - 46. ...Petitioner in WP.No.21190/2012

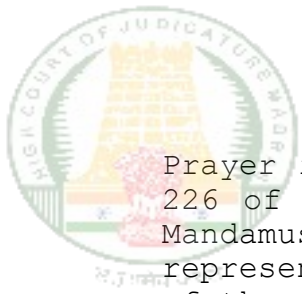
Vs.

- 1.The Secretary to Finance (Paycell Department),
Fort St.George,
Chennai - 600009.
- 2.The Director,
Public Health and Preventive of Medicine,
Chennai - 600006. ...Respondents 1 & 2 in both WPs

The Deputy Director of Health Service,
Tiruppur. ...R3 in W.P.No.21189 of 2012

The Deputy Director of Health Service,
Coimbatore. ...R3 in W.P.No. 21190 of 2012

Prayer in WP.No.21189/2012 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent made in N.DIS.3047/A/2011 dated 10.08.2011 and quash the same and consequently direct the second respondent to fix the scale of pay of the petitioner at the rate of Rs.9,300-4400(Grade Pay) with notional effect from 01.01.2006 for the purpose of Fixation of Pay in the revised Pay Scale with monetary benefit from 01.08.2010 in the light of the G.O.Ms.No.316 issued by the Finance (Pay Cell Department) dated 26.08.2010 and consequently pay all attendant and other monetary benefits.



Prayer in WP.No.21190/2012 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to dispose of the representation of the petitioner dated 14.07.2011 for fixation of the scale of pay of the petitioner at the rate of Rs.9,300-4400(Grade Pay) with notional effect from 01.01.2006 for the purpose of Fixation of Pay in the revised Pay Scale with monetary benefit from 01.08.2010 in the light of the G.O.Ms.No.316 issued by the Finance (Pay Cell Department) dated 26.08.2010 and consequently pay all attendant and other monetary benefits.

For Petitioners : M/s.N.Umapathi
(in both WPs)

For Respondents : Mr.Veda Bhagath Singh
(in both WPs) Special Government Pleader
[R1 to R3]

COMMON ORDER

The petitioners herein had given representations to the second respondent requesting to revise their pay scale as per the G.O.Ms.No.316 issued by the Finance (Pay Cell Department) dated 26.08.2010.

2. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. The learned counsel for the petitioners places reliance on a decision of this Court in the case of 'P.Muthumari Vs. The State of Tamil Nadu & others' passed in WP. (MD).No.23538 of 2015 dated 05.01.2022.

4. This Court is of the view that such a decision to revise the pay scale by equating the petitioners along with employees of the Rural Department and Panchayat Raj Department, requires to be done by the Government and if the petitioners are granted liberty to rely on this decision and make fresh representations to the respondents with a consequential direction to consider the same in the light of the order passed by this Court in P.Muthumari case (as stated supra), the ends of justice will be served.



5. In the light of the above observations, the petitioners are granted liberty to give fresh representations to the second respondent herein ventilating their grievances. On receipt of the same, the second respondent shall consider them on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representations. It is made clear that this Court has not expressed any of its views with regard to the merits of the claims made by the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above directions, both these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Finance (Paycell Department),
Fort St.George,
Chennai - 600009.

2.The Director,
Public Health and Preventive of Medicine,
Chennai - 600006.

3.The Deputy Director of Health Service,
Tiruppur.

4.The Deputy Director of Health Service,
Coimbatore.

+lcc to Mr.N.Umapathi, Advocate SR. No.12171

W.P.Nos.21189 & 21190 of 2012

MG (CO)
PR (17/03/2022)