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Order dated : 07.07.2022
Writ Petition No.9899 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.9899 of 2014
and
M.P.No.1 of 2014

L. Valarmathi
W/o.P.Ramesh

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Finance Secretary,
Finance (Pay Cell) Department,
Secretariat, Chennai - 09.
- 2.The Director of Industrial Safety and Health,
I.O.A. Building, No.35,
Thiru.Vee Ka High Road,
Royapettah, Chennai - 600 014.
- 3.The Deputy Chief Inspector of Factories,
Coimbatore.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to extend the benefit of G.O.Ms.No.296 dated 26.08.2010 to the petitioner, who is in the same post of Laboratory Technician Grade II in Medical Department and consequently, revise the said pay on par with the pay of Laboratory Technician Grade II



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mentioned in the Government Order with notional effect from 01.01.2006 and with the actual benefit from the date of Government Order with all other consequential monetary and service benefits.

For Petitioner : Mr.P.Mohan Raj

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The writ on hand has been instituted to direct the respondents to extend the benefit of G.O.Ms.No.296 dated 26.08.2010 to the petitioner.

2. The petitioner states that she was selected and appointed to the post of Laboratory Technician Grade II and on completion of ten years service, the petitioner was awarded selection grade in the said post in the year 2011. The grievance of the petitioner is that revised scale of pay was ordered to the similar post of Laboratory Technician Grade II in Medical Department, based on G.O.Ms.No.296 dated 26.08.2010. Thus, the petitioner made a representation to extend the benefit of the Government order by revising her scale of pay applicable to the post of Laboratory Technician Grade II in Medical Department.

3. Learned counsel appearing on behalf of the petitioner reiterated that



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when the designation of the petitioner is equivalent to that of the Medical Department, the benefit of revised scale of pay as per G.O.Ms.No.296 dated 26.08.2010 is to be extended to the petitioner also.

4. Learned Additional Government Pleader objected the said contention by stating that the representation of the petitioner and other persons were considered by the competent authorities. Though various representations received from the Laboratory Technicians Grade II, working in the Directorate of Industrial Safety and Health, the One Man Commission did not make any recommendation to revise the pay structure of the said Laboratory Technician Grade-II, in the said Directorate and therefore, the Government in Finance (Pay Cell) Department has not made any such revision of pay scale similar to that of Laboratory Technician Grade-II in Medical Education and Medical & Rural Health Department.

5. That apart, the Pay Grievance Redressal Cell, which examined the representation of the petitioner, has not made any such recommendation to revise the pay scales of the post held by the petitioner. Even though the two posts may be referred to by the same name, it would not lead to necessary



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inference that the posts are identical in nature. These posts are governed by different Service Rules. Further, the nature and quality of duties performed by the incumbents of the posts in these two departments are different, the mere fact that the nomenclatures of the posts are being same will not strengthen the claim of equal pay.

6. This Court is of the considered opinion that the principle of equal pay for equal work is to be applied strenuously taking into account the nomenclature, duties and responsibilities and other criteria fixed for the particular post. In the present case, the Pay Grievance Redressal Cell and the One Man Commission also considered the representations submitted by various employees in the Industrial Department and not recommended for revision in the scale of pay as the nature and quality of duties performed by the incumbents of the posts in these two departments are different and incomparable. This being the factum, the petitioner is not entitled for the relief as such sought for in the present Writ Petition.

Accordingly, this Writ Petition is dismissed. No costs. Connected



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miscellaneous petition is closed.

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Index : Yes
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To

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S.M.SUBRAMANIAM., J



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