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W.P.No.28509 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28509 of 2022

S.Arockiamary

... Petitioner

Versus

1. The State of Tamil Nadu,
rep by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai-600 009.
3. The Director of Public Health and Preventive Medicine,
DMS Compound, Anna Salai,
Teynampet,
Chennai-600 006

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to grant fixation of pay as per Tamil Nadu Revised Scales of Pay Rules, 2009 as amended in G.O.Ms.No.258 Finance (Pay Cell) Department dated 23.06.2009, awarding Selection Grade by considering completion of 10 years (before



W.P.No.28509 of 2022

31.05.2009) based on posting order issued by the 3rd respondent in R.No.88119/MP.IV/S3/98-6 dated 13.05.1999 in the post of Village Health Nurse with corresponding grant of Special Grade, on par with other similarly placed persons, with all consequential and other attendant benefits including arrears of salary, in consideration of representation submitted by the petitioner within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Ravichandran
Spl.Govt.Pleader
For R.1 and R.3
Mr.V.Ravi
Spl.Govt.Pleader
For R.2

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to grant fixation of pay as per Tamil Nadu Revised Scales of Pay Rules, 2009 as amended in G.O.Ms.No.258 Finance (Pay Cell) Department dated 23.06.2009, awarding Selection Grade by considering completion of 10 years (before 31.05.2009) based on posting order issued by the 3rd respondent in R.No.88119/MP.IV/S3/98-6 dated 13.05.1999 in the post of Village Health Nurse with corresponding grant of Special Grade, on par with other similarly placed persons, with all consequential and other attendant benefits including arrears of salary, based on the petitioner's representation



W.P.No.28509 of 2022

within a time frame to be fixed by this Court.

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2. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.M.Ravichandran, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 3 and Mr.V.Ravi, learned Special Government Pleader accepts notice on behalf of the second respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

3. According to the petitioner, there was a delay in granting posting order in her favour which is attributable to Deputy Director of Health Services, Villupuram, who was the appointing authority. According to the petitioner, if she was allowed to join as per order dated 13.05.1999, she would have been granted with Selection Grade and granted with revised scales of pay i.e., 9300-34800+4200 GP, whereas, she remains in pre-revised scales of pay i.e., 5200-20200+2400 GP which is discrimination. According to the petitioner, similarly placed person viz., Tmt.S.Shanthi, who was selected and appointed as Village Health Nurse along with the petitioner and given posting at Uppuvellore PHC, Villupuram District on 27.05.1999 is now granted revised pay band of Rs.9300-34800+4200 GP, whereas the petitioner has been subjected to pay disparity for no fault of her. The petitioner has submitted a representation seeking for pay



W.P.No.28509 of 2022

parity with similarly placed persons. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4. The petitioner has filed documents along with the writ petition to substantiate her case. It is for the respondents to consider the same on merits and in accordance with law.

5. The petitioner seeks for pay parity along with similarly placed persons. The petitioner will have to give a fresh representation for the said purpose to the respondents.

6. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents 1 and 3 requesting for pay parity with similarly placed persons as per Tamil Nadu Revised Scales of Pay Rules, 2009 as amended in G.O.Ms.No.258 Finance (Pay Cell) Department dated 23.06.2009 within a period of two weeks from the date of receipt of a



W.P.No.28509 of 2022

copy of this order and on receipt of such representation, the first respondent shall pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

With the aforesaid direction, the writ petition is disposed of. No costs.

27.10.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Principal Secretary to Government,
State of Tamil Nadu
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Principal Secretary to Government,
State of Tamil Nadu,
Finance Department,
Secretariat, Fort St.George,
Chennai-600 009.
3. The Director of Public Health and Preventive Medicine,
DMS Compound, Anna Salai,
Teynampet,
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W.P.No.28509 of 2022

ABDUL QUDDHOSE,J.

Sr

W.P.No.28509 of 2022

27.10.2022