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W.P.(MD)NO.10911 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10911 of 2022 and
W.M.P.(MD)No.7872 of 2022

A.Subramanian,
Block Health Supervisor (Retired),
Selection Grade,
Government Primary Health Centre,
Mukkudal, Tirunelveli District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare (L2) Department,
Secretariat, Chennai.
2. The Director of Public Health and Preventive Medicine,
O/o.The Director of Public Health and Preventive Medicine,
Chennai – 6.
3. The Regional Joint Director,
Treasuries and Accounts Department,
No.1, Ground Floor, Class-4 Residence,
B.S.N.L.Compound, Vannarapettai,
Thirunelveli – 627 003.
4. The Deputy Director of Public Health,
O/o.The Deputy Director of Public Health,
Tirunelveli.
5. The Assistant Treasury Officer,
O/o.The Sub-Treasury Office,
Palayamkottai,
Tirunelveli District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 3rd respondent in his proceedings in R.No.1532081/MP2/S1/2021 dated 20.12.2021 and quash the same as illegal and consequentially to direct the respondents to grant Special Grade in the cadre of Block Health Supervisor with effect from 01.01.2001 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar,
for M/s.Ajmal Associates.

For Respondents: Mr.A.K.Manikkam,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined the department as Health Inspector on 31.07.1968. He was promoted as Block Health Supervisor on 01.01.2001 and retired in the said capacity on 28.02.2005 on reaching the age of superannuation. He seeks conferment of Special Grade in the cadre of Block Health Supervisor with effect from 01.01.2001. His request was



rejected by the impugned proceedings dated 20.12.2021 issued by the second respondent. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents reiterated the stand projected in the respective pleadings.

4. The writ petitioner had joined the service in the year 1968. He was conferred with Selection Grade in the year 1988. He got Special Grade in the year 1998. It is true that the pay scale of Selection Grade of the Health Inspector and the basic pay scale of the Block Health Supervisor are one and the same. Obviously in the promotion post one cannot get lesser pay. His pay was accordingly refixed, when he was promoted in the post of Block Health Supervisor. The only question that calls for consideration is whether the petitioner is entitled to conferment of Special Grade in the post of Block Health Supervisor. The object of conferring Selection Grade after ten years and conferment of Special Grade after twenty years is to relieve the employee from the vice of stagnation. The moment



a person gets promotion with higher pay, the question of applying the concept of Selection Grade and Special Grade will not arise at all. However, vide G.O.Ms.No.210 Personnel and Administrative Reforms (Per.S) dated 11.03.1987, the Government had directed that where the pay scale of selection grade of the feeder grade and that of the basic scale of pay of the promotion post are one and the same, the services put in by the employee in the selection grade will be counted in the promotion post. When the petitioner was promoted to the post of Block Health Supervisor, he was already enjoying Special Grade in the post of Health Inspector. Therefore the question of conferring Special Grade straightaway in the post of Block Health Supervisor does not arise at all. The order impugned in the writ petition does not call for interference. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2022

Index : Yes / No
Internet : Yes/ No

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To:

1. The Principal Secretary,
Health and Family Welfare (L2) Department,
Secretariat, Chennai.
2. The Director of Public Health and Preventive Medicine,
O/o.The Director of Public Health and Preventive Medicine,
Chennai – 6.
3. The Regional Joint Director,
Treasuries and Accounts Department,
No.1, Ground Floor, Class-4 Residence,
B.S.N.L.Compound, Vannarapettai,
Tirunelveli – 627 003.
4. The Deputy Director of Public Health,
O/o.The Deputy Director of Public Health, Tirunelveli.
5. The Assistant Treasury Officer,
O/o.The Sub-Treasury Office,
Palayamkottai, Tirunelveli District.



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G.R.SWAMINATHAN,J.

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