



WP.No.12501 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.12501 of 2015

and

M.P.No.1 of 2015

1. Rajini
- 2.K.Amudha
- 3.C.Vijayakumari
- 4.P.Gomathi
- 5.P.Vasugi
- 6.M.Joice Sheela Rita Princy
- 7.G.Chitra
- 8.G.Leelavathy
- 9.R.Meerabai
- 10.C.Gnana Sundari
- 11.K.Sumithra
- 12.S.Sakunthala

.... Petitioners

Vs

1. The Principal Secretary to Government of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai – 9.

2. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai – 600 009.
Respondents

....



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PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to consider the petitioners' representation dated 03.02.2015, received by them on 04.02.2015 and rectify the anomalies pointed out in petitioners' representation and fix the pay scale of the petitioners' according to the recommendations of the Sixth Pay Commission.

For Petitioner : M/s.Simi Mathew

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

ORDER

This Writ Petition has been filed for direction directing the respondents to consider the petitioners' representation to rectify the anomalies and fix the pay scale of the petitioners' as per recommendations of the Sixth Pay Commission.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners are working as Nurse Tutor Grade II. The Tamil Nadu Nursing Service Special Rules provided Nursing Tutor Grade I and Nursing Tutor Grade II as a single category and there is no difference in qualification prescribed to the post of Nursing Tutor Grade I



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and Nursing Tutor Grade II for appointment. Only for the purpose of pay there is a difference in the scale of pay provided to the post of Nursing Tutor Grade I and Nursing Tutor Grade II.

4. As per the Fifth Pay Commission, Selection Grade Staff Nurse is equal to Nursing Superintendent Grade III, Special Grade Staff Nurse is equal to Nursing Superintendent Grade II / Nursing Tutor Grade II. In the Sixth Pay Commission pay for Special Grade Nurses was fixed at PB-3:1. But the Nursing Superintendent Grade II and Nursing Tutor Grade II was fixed at PB-2:1. Therefore, it is an anomaly and it is sought for revision.

5. A perusal of the counter filed by the respondents reveals that there is no separate Selection Grade/Special Grade scales of pay after the implementation of the revised scales. Therefore, the petitioners cannot compare with the Special Grade scale of pay of Staff Nurse which has been fixed to them by virtue of their higher pre-revised scale of pay. Further the request of the petitioner was already examined both in One Man Commission and Pay Grievance Redressal Cell and it was pointed out that the existing pay scale granted to the Nursing Tutor Grade-II is in



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consonance to the qualification, nature of duties, job responsibilities.

Therefore, there was no anomaly in the existing scale of pay of the Nursing Tutor Grade-II. That apart, the Nursing Tutor Grade-I, which is the promotional post of Nursing Tutor Grade-II, is fixed at Rs.15600-39100+G.P.Rs.5400. Therefore, the scale of pay for feeder category cannot be placed on par with the promotional post. Further, as per G.O.Ms.No.200, Finance (CMPC) Department, dated 10.07.2015, the request for further revision of scale of pay may be deferred till the constitution of Commission/Committee for general pay revision. Therefore, the request of the petitioners to merge the Nursing Tutor Grade-II with Nursing Tutor Grade-I and to grant the higher pay scale in Pay Band 3 is not feasible of compliance.

6. In view of the above, the request made by the petitioner cannot be considered. Thus, the writ petition is devoid of merits and is liable to be dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index:Yes/No

Internet:Yes/No

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To
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G.K.ILANTHIRAIYAN,J.



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