



W.P.No.4270 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.4270 of 2011

R.Rajalakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Health & Family Welfare Department,
Secretariat, Chennai 600 009.

2.The Joint Director of Medical Education,
[Nursing] [Incharge],
Chennai 600 010.

3.The Dean,
Government Mohan Kumaramangal,
Medical College Hospital,
Salem 636 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in order having Ref.No.60749/N4/2010 dated 02.09.2010, quash the same and consequently direct the respondents herein to re-designate the petitioner as Social Welfare Officer (Special Grade) and



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to refix her pay as Rs.1820-600-2300-75-3200 (as per fifth pay Commission), Rs.5900-200-9900 (VI Pay Commission) and Rs.9100-275-14050 (Special Grade) with effect from May 1998 with consequential benefits including revision and refixation of the pensionary and retirement benefits and disburse the arrears thereon with 18% interest on the delayed payments.

For Petitioner : Mr.S.Balakrishnan for
Mr.M.Ravi

For Respondents : Mrs.Geetha Thamaraiselvan,
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned proceeding dated 02.09.2010 whereby the petitioner's representation for being re-designated as Medical Social Worker with the scale of pay as Rs.1820-600-2300-75-3200 was rejected on the premise that the petitioner was appointed as Hospital Social Worker and the scale of pay was only 1200-30-1560-40-2040. The petitioner did not possess a Post Graduate degree which is one of the requisite qualification for being appointed as Medical Social Worker or Psychiatric Social Worker, who were re-designated as Social Welfare Officer



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with the Scale of pay of Rs.1820-600-2300-75-3200.

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2. The learned counsel for the petitioner submitted that the petitioner was appointed as Hospital Social Worker on 16.03.1971 and had remained in service. While so, G.O.Ms.793 was issued whereby the Psychiatric Social Worker and Medical Social Worker with the scale of pay of Rs.1820-600-2300-75-3200 was re-designated as Social Welfare Officer. It is submitted by the learned counsel for the petitioner that Hospital Social Worker was also entitled to be re-designated as Medical Social Worker with a scale of pay of Rs.1820-600-2300-75-3200 as the nature of functions / obligations discharged by the Hospital Social Worker on the one hand and the Medical Social Worker on the other hand are almost the same.

3. To the contrary, learned counsel for the respondents submitted that G.O.Ms.793 dated 21.10.1994 by which the Medical Social Worker and Psychiatric Social Worker were re-designated as Social Welfare Officer would make it clear that only such of those workers who were working in the above two categories and drawing a scale of pay of Rs.1820-600-2300-



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75-3200 with Post Graduate qualification was intended to be merged and unified as single category and be re-designated as Social Welfare Officer in the same scale. Clearly, the petitioner does not fall within the above category either in terms of the scale of pay nor does she possess the requisite qualification viz., a Post Graduate Certificate. In response, the learned counsel for the petitioner submitted that subsequently the petitioner had acquired Post Graduate M.A. Sociology in the year May 1998.

4. This Court finds that on the date of which G.O.Ms.793 dated 21.10.1994 was issued, the petitioner did not possess the Post Graduate degree which is the requisite qualification for appointment to the post of Social Welfare Officer nor was the petitioner drawing a scale of pay of Rs.1820-600-2300-75-3200. Thus, the two categories viz., Hospital Social Worker on the one hand and the Medical Social Worker and Psychiatric Social Worker on the other hand are two independent categories and cannot be equated with each other. In view of the same, this Court find that the impugned order does not warrant interference.



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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation : Yes/ No

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To:

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MOHAMMED SHAFFIQ, J.

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