



W.P.(MD).No.12811 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.12811 of 2016

V.Selvaraj

... Petitioner

Vs.

The Dean,
Government Rajaji Hospital,
Madurai – 625 020,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to re-designate the trade post of Painter as the Skilled Assistant Grade-II with all monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik,
For M/s.Lajapathi Roy and Associates

For Respondent : Mr.S.R.A.Ramachandran,
Additional Government Pleader.



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ORDER

This Writ Petition is filed for Mandamus, directing the respondent to re-designate the trade post of Painter as the Skilled Assistant Grade-II with all monetary benefits.

2. The petitioner was appointed as Painter on 17.11.1990 in the Government Rajaji Hospital. After 10 years of service, the petitioner was granted Selection Grade and after 20 years of service, he was granted Special Grade. Thus, the petitioner has served for more than 26 years. Several similarly placed employees submitted a representation to the Government that their posts ought to be merged together and designated as unskilled and skilled Assistants. In pursuant to the report of “One Man Commission”, the Government has passed G.O.Ms.No.338 Finance (Pay Cell) Department, dated 26.08.2010, for changing the nomenclature of certain posts as Unskilled Assistant, Skilled Assistant Grade-II, Skilled Assistant Grade-I, Special Artisan and Supervisor along with the revised pay scales for each of the posts. As per the said Government Order, the petitioner is holding the Grade-II Trade post of Painter and he could be designated as Skilled Assistant Grade-II with the revised pay scale mentioned in the said Government Order. For similarly placed persons,



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namely Vasudevan, who was also working as Painter in the Government Rajaji Hospital, Chennai has been given the designation to the post of Skilled Assistant Grade-II. Hence, the petitioner submitted a representation dated 15.12.2014. Since the respondents have not considered, the petitioner is before this Court.

3. The respondent has filed a counter stating that the petitioner is not possessing ITI qualification. Hence, he cannot be considered as Skilled Assistant Grade-II. Therefore, the respondents prayed to dismiss this Writ Petition.

4. Heard Mr.G.Karthik, for M/s.Lajapathi Roy and Associates, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, for the respondents.

5. On perusing the Government Order G.O.Ms.No.325 dated 22.07.2013 it is seen that the respondents have prescribed the qualification of ITI, only for future appointment and not to the persons who were already appointed. The relevant portion is extracted hereunder:



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FINANCE (Pay Cell) DEPARTMENT

G.O.Ms.No.325

Dated: 22.0.2013

- 1. G.O.Ms.No.234, Finance (Pay Cell) Department, dated: 01.06.2009.*
- 2. G.O.Ms.No.338, Finance (Pay Cell) Department, dated: 26.08.2010.*
- 3. G.O.Ms.No.63, Finance (Pay Cell) Department, dated: 26.02.2011.*
- 4. G.O.Ms.No.123, Finance (Pay Cell) Department, dated: 10.04.2012.*

*“In the Government Order second read above, orders have been issued rationalizing the Trade Posts into five categories with the condition **that in future, appointments have to be made only with ITI qualification to these Trade Posts**”.*

Since in the present case the petitioner was appointed on 17.11.1990 itself, the respondents cannot deny the benefits by citing that the petitioner is not having ITI qualification. More so, when the same was not prescribed as qualification for the persons who are appointed prior to G.O.Ms.No.325 dated 22.07.2013.

6. The further contention of the petitioner is that as per G.O.Ms.No.338 dated 26.08.2010, the petitioner being a Painter should be designated as Skilled Assistant Grade-II, since he is having SSLC qualification. On the



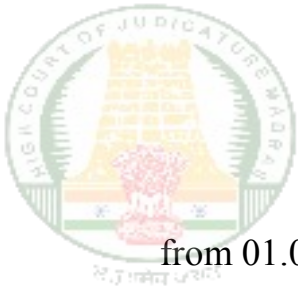
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comprehensive reading of both Government Orders that is G.O.Ms.No.325 and G.O.Ms.No.338, the ITI qualification is prescribed for the future appointment, since the petitioner is having SSLC qualification, the petitioner is entitled to be designated as Skilled Assistant Grade-II. Moreover, the respondents have considered the similarly placed person namely Vasudevan and has granted the same relief of designating as Skilled Assistant Grade-II. The said Vasudevan was working in Stanley Hospital, Chennai and the relevant portion is extracted hereunder:

“He is permitted to draw the arrears with effect from 08-01-08 Monetary benefit effect from 01.04.2013”.

In the said proceedings dated Nil.04.2014, it is stated that the said Vasudevan is entitled to the revised scale of pay, but as per G.O.Ms.No.325, he was entitled to the revised scales of pay from 08.01.2008, but the monetary benefit was given effect from 01.04.2013.

7. Therefore, this Court is of the considered opinion that the petitioner is also entitled to the same relief. The respondent is directed to redesignate the petitioner as Skilled Assistant Grade-II. However, the petitioner is entitled to the revised scales of pay as per G.O.Ms.No.325. The revision shall take effect



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from 01.01.2006, but the monetary benefits shall be disbursed from 01.04.2013.

The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

06.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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Madurai – 625 020,
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S.SRIMATHY, J.

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