



W.P.Nos.22619, 22622 & 22623 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.Nos.22619, 22622 & 22623 of 2021 and**  
**W.M.P.Nos.23856, 23857, 23861,**  
**23862, 23864 & 23865 of 2021**

|                  |                                        |
|------------------|----------------------------------------|
| 1.M.Thillaiselvi | ... Petitioner in W.P.No.22619 of 2021 |
| 2.Mrs.V.Selvi    | ... Petitioner in W.P.No.22622 of 2021 |
| 3. S.Susila      | ... Petitioner in W.P.No.22623 of 2021 |

Vs.

1.The Principal Secretary,  
Department of Health and Family Welfare,  
Government of Tamil Nadu,  
Fort St.George, Chennai 600 001.

2.The Project Director,  
Reproductive & Child Health Project,  
DMS Complex, Chennai - 6.

3.The Director of Public Health &  
Preventive Medicine,  
DMS Complex, Chennai - 6.

4.The Deputy Director of Health Services,  
Tanjavur District.

... Respondents in all W.Ps



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**Prayer in all W.Ps:** Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order in Na.Ka.No.7288/2014/A7 dated 26.04.2017 on the file of the 4th respondent and quash the same and consequently, direct the respondents to restore the special time scale of pay in the pay scale of Rs.1300-3000 + Grade Pay of Rs.300/- with effect from 15.09.2010.

**In all W.Ps**

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.G.Ameedius, GA

**COMMON ORDER**

These Writ Petitions have been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order in Na.Ka.No.7288/2014/A7 dated 26.04.2017 on the file of the 4th respondent and quash the same and consequently, direct the respondents to restore the special time scale of pay in the pay scale of Rs.1300-3000 + Grade Pay of Rs.300/- with effect from 15.09.2010.

**2.** Heard Mr.C.Prabakaran, learned counsel for the petitioners and Mr.G.Ameedius, learned Government Advocate for the respondents in all



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Writ Petitions.

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3. The petitioners were working as sweepers on daily wage basis from the years 2001 and 2002. The petitioners were given with special time scale of pay in pursuant to G.O.Ms.No.385, Finance (PC) Department dated 01.10.2010. Subsequently the fourth respondent has issued a proceedings in Na.Ka.No.7288/2014/A7 on 26.11.2014 by granting the time scale as per the above Government Order. However the same was subsequently cancelled by way of the impugned order. Aggrieved over the same, the petitioners are before this Court.

4. When the matter was taken up today, it is reported by the learned Government Advocate for the respondents that the petitioners in W.P.Nos.22622 & 22623 of 2021 have been appointed as Multi-purpose Hospital Workers by giving the benefit of G.O.D.No.604, Health and Family Welfare Department dated 05.06.2023. But the petitioner in W.P.No.22619 of 2021 alone has not been appointed as she does not fulfill the criteria prescribed in the above Government Order.

5. It is submitted that the benefit of special time scale is applicable



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only for those persons who are working as Sanitary Workers in Reproductive and Child Health Care Scheme of National Health Mission and not for the petitioners. The petitioners are also performing the same functions and hence equal pay for equal work principle has to be applied. Hence the impugned order dated 26.04.2017 issued by the fourth respondent against the petitioners is illegal and hence it is liable to be quashed.

6. So far as the absorption is concerned, it is learnt that the similarly placed persons like the petitioners are given with the benefit of G.O.D.No.604, Health and Family Welfare Department dated 05.06.2023 and only in pursuant to that, two of the petitioners have been appointed as Multi Purpose Hospital Workers in Government Primary Health Centres in Perumagalur and Pateeswaram respectively. However, limited relief claimed by the petitioners before this Court is to quash the impugned order and to restore the special time scale of pay that has been already granted to the petitioners.

7. In view of the above stated reasons, these Writ Petitions are



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allowed and the order passed by the fourth respondent in Na.Ka.No.7288/2014/A7 dated 26.04.2017 is quashed and the respondents are directed to restore the special time scale of pay to the petitioners in the pay scale of Rs.1300-3000 + Grade Pay of Rs.300/- with effect from 15.09.2010. No costs. Consequently, connected miscellaneous petitions are closed.

**29.02.2024**

Index : Yes /No

Speaking / Non-speaking

Neutral Citation : Yes / No

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**R.N.MANJULA, J.**

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To

1.The Principal Secretary,  
Department of Health and Family Welfare,  
Government of Tamil Nadu,  
Fort St.George, Chennai 600 001.

2.The Project Director,  
Reproductive & Child Health Project,  
DMS Complex, Chennai - 6.

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