

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.22625 of 2015

1. S.Syed Rafiq Hussain
2. B.Jeeva Rathnam
3. L.Fernandez
4. K.N.Umapathy
5. P.Mythili
6. A.Priya
7. V.N.Lakshmi
8. R.Tamilselvi
9. V.Sumathi
- 10.K.Ganesh
- 11.M.Kavitha
- 12.D.Kavitha Rani
- 13.I.Premkumar
- 14.G.Shanthi
- 15.T.Esther Rani
- 16.M.Shamshad Begum
- 17.R.Vijayalakshmi
- 18.A.Devika
- 19.J.B.Lilly Mary
- 20.D.Mahalakshmi
- 21.K.Umasankari
- 22.K.Swarnalatha
- 23.G.Ganga

... Petitioners

vs.

1. The State of Tamil Nadu,
rep.by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Direlctor of Medical and
Rural Health Services,
DMS Compound, Anna Salai,
Teynampet, Chennai - 600 006.

4. The Director of Public Health and
Preventive Medicine,
DMS Compound, Anna Salai,
Teynampet, Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularise the services of the petitioners in the post of Lab Assistant from the date of initial appointment with regular time scale of pay and to account the services rendered by the petitioners from the date of initial appointment as pensionable services under Tamil Nadu Pension Rules for applicability of existing Pension Scheme and GPF Scheme with all consequential and other attendant benefits including arrears of salary, within a time frame to be fixed by this Court.

For petitioners : Mr.G.Sankaran

For respondents : Mr.S.Gunasekaran,
Government Advocate

ORDER

Mr. S.Gunasekaran, learned Government Advocate, takes notice for the respondents.

2. The petitioners were appointed to the post of Lab Assistant prior to 01.04.2003. According to them, they were appointed in the regular vacancies but on consolidated pay. They were brought into regular time scale of pay on completion of two years of service on consolidated pay in the year 2005.

3. The grievance of the petitioners is that they were appointed prior to 01.04.2003 in the regular sanctioned and pensionable post, and their claim for enrollment in the pension scheme and GPF Scheme under the Tamil Nadu Pension Rules was not considered on the premise that they were appointed on consolidated pay and not on regular time scale of pay before 1.4.2003. The petitioners made a representation dated 8.4.2015 to the respondents seeking to bring them under the Pension Scheme and GPF Scheme under the Tamil Nadu Pension Rules. Postal acknowledgment is also filed for having sent such representation.

4. Now, the learned counsel for the petitioners seeks for a limited prayer directing the first respondent to pass orders on the representation of the petitioners in the light of G.O(3D)No.4 School Education Department, dated 21.01.2015 whereby the teachers were brought into regular time scale of pay from the date of initial appointment on consolidated pay with arrears of salary.

5. In view of the limited prayer made, the Writ Petition itself is disposed of by directing the first respondent to pass appropriate orders on the representation of the petitioners dated 8.4.2015 seeking to bring them under Pension Scheme and GPF Scheme under the Tamil Nadu Pension Rules in the light of G.O(3D)No.4 School Education Department, dated 21.01.2015, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Direlctor of Medical and
Rural Health Services,
DMS Compound, Anna Salai,
Teynampet, Chennai - 600 006.
4. The Director of Public Health and
Preventive Medicine,
DMS Compound, Anna Salai,
Teynampet, Chennai - 600 006.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.38588
+lcc to the Government Pleader, S.R.No.38605

W.P.No.22625 of 2015

RJ(CO)
CA(06/08/2015)