

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.26362 to 26376 of 2015

1.H.Lalitha Bai
2.K.Kamala Jothi
3.V.Seetha Lakshmi ... Petitioners in W.P.26362/2015

K.Bakiyalakshmi
S.Hema
E.Loganayaki
A.Kalaiarasi
S.Meganathan
P.Rajalakshmi
A.Mohan Kumar
D.Baskaran
N.Vasanthi
P.Vasumathi ...Petitioners in W.P.No.26363/2015

T.Sasikala
M.Lalitha
G.Poonkodi
K.Kalaiselvi
S.Jeenathamam ...Petitioners in W.P.No.26364/2015

M.V.Senthil Vadivu
G.Vijayalakshmi
L.Susila
D.Ajeetha
G.Jayageetha
D.Suganthi
S.Navaneetham
P.Sayetha ...Petitioners in W.P.No.26365/2015

M.Jayachitra
S.Jayashree
N.Sundarambal
P.Kalavathi
A.Elamathi ...Petitioners in W.P.No.26366/2015

T.Thirumurugan
M.Narendra Babu
S.Packia Lakshmi
A.Annam
S.Shanthi
S.Kavitha ...Petitioners in W.P.No.26367/2015

V.Muthukamatchi
M.Velmurugan

...Petitioners in W.P.No.26368/2015

P.Chinnakalai
T.Nagalakshmi
S.Vasantha Mary
M.Vanitha
D.Masilamani
V.Kalaiyarasi

...Petitioners in W.P.No.26369/2015

S.Thangapandian
R.Kavitha
M.Selvarani

...Petitioners in W.P.No.26370/2015

M.Velmurugan
A.Amutha
S.Kousalya
M.Nandhakumar
K.Ananthi
A.Porselvi

...Petitioners in W.P.No.26371/2015

J.Shyamala
V.Shanthi

...Petitioners in W.P.No.26372/2015

Janarthanan
G.Radha
R.Ramalingam

...Petitioners in W.P.No.26373/2015

J.Francis

P.S.Muniyappan

...Petitioners in W.P.No.26374/2015

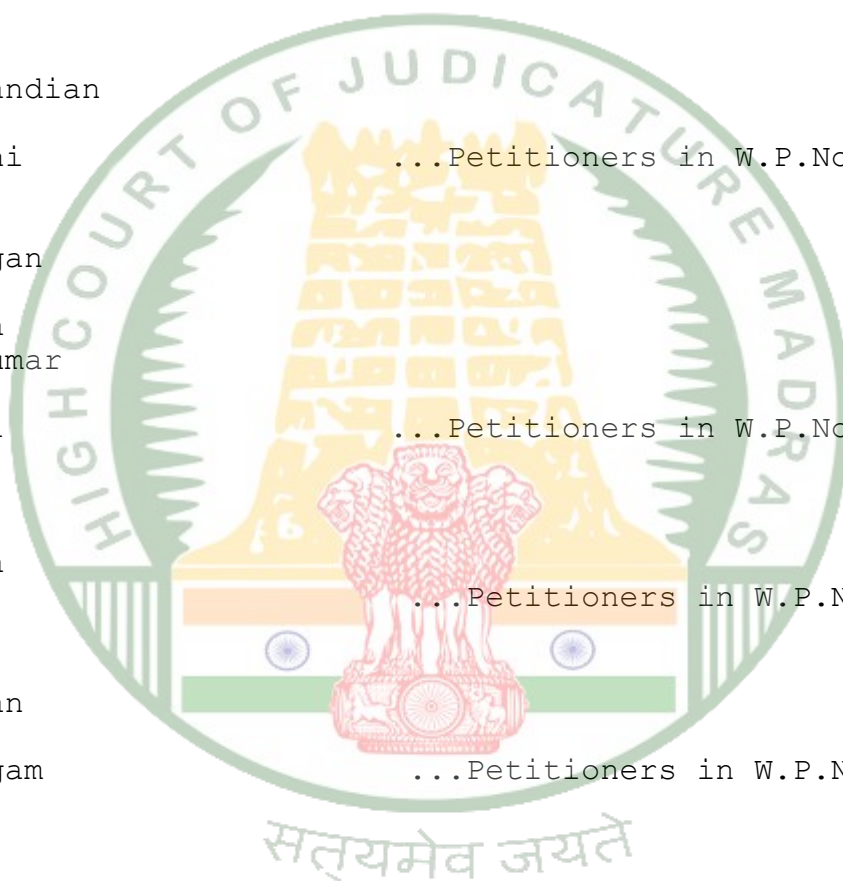
S.Sornam

M.Kavitha

...Petitioners in W.P.No.26375/2015

R.Matheswari
S.Gomathi
A.Amudha
K.Jayamani
S.Shanthi

...Petitioners in W.P.No.26376/2015



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Vs.

- 1 The State of Tamilnadu
rep. by its Principal Secretary to
Government health and Family Welfare
Department Secretariat Fort St. George
Chennai-9
 - 2 The Director of Medical
Education Kilpauk Chennai-10
 - 3 The Director of Medical
and Rural Health Services DMS Compound
Anna Salai Teynampet Chennai-6
 - 4 The Director of Public Health
and Preventive Medicine DMS Compound Anna
Salai Teynampet Chennai-6
- ... Respondents in all Writ Petitions

Prayer in Writ Petitions:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to regularize 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 Hon'ble Court.

For Petitioners : Mr.G.Sankaran
For Respondents : Mr.V.Subbiah
Special Government Pleader

समन्वयेन जयते
COMMON ORDER

By consent, all the writ petitions are taken up for final disposal.

2.The petitioners would state that they are qualified on account of the issuance of Certificate of Medical Laboratory Technician (CMLT) and they are appointed as Lab Assistants prior to 01.04.2003 and working in various Government Hospitals in a regular sanctioned posts in the Department of Public Health and Preventive Medicine. They were paid consolidated pay as per G.O(D).No.1577, Health and Family Welfare Department, dated 07.11.2001 and brought into regular time scale of pay on completion of two years. The petitioners were given promotions as Lab Technical Grade - II as per G.O(D).No.1188, Health and Family Welfare Department, dated 08.11.2006 and posted in

the department of Medical and Rural Health Services and some of the petitioners got promotion to the post of Lab Technicial Grade -I and further as Lab Supervisor and Non-Medical Demonstrator and working in that capacity as on date.

3.The grievance expressed by the petitioners are that their initial appointment was on consolidated pay and later on brought into regular time scale of pay and thereby, they are deprived of the benefits under existing pension scheme and GPF scheme under Tamil Nadu Pension Rules though they were appointed prior to 01.04.2003, the date on which Contribution Pension Scheme (CPF introduced) as per G.O.Ms.No.430 Finance Department dated 06.08.2004 came into being. The petitioners also claim that they are also entitled for regular time scale of pay from the date of initial appointment and persons similarly placed, has approached this Court by filing W.P.No.14 of 2014 and obtained order dated 16.04.2015 in and by which orders are passed by directing the respondents therein to consider the petitioners representations by taking into account 50% of the casual labourer services as that has been done in the amended provisions of Rule 11(2) of the Pension Rules. The petitioners in this regard has also submitted representations dated 08.04.2015 and since no orders were passed, came forward to file these writ petitions.

4.Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioners and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the representations, directs the first respondent to consider and dispose of the petitioners representations dated 08.04.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

6.The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

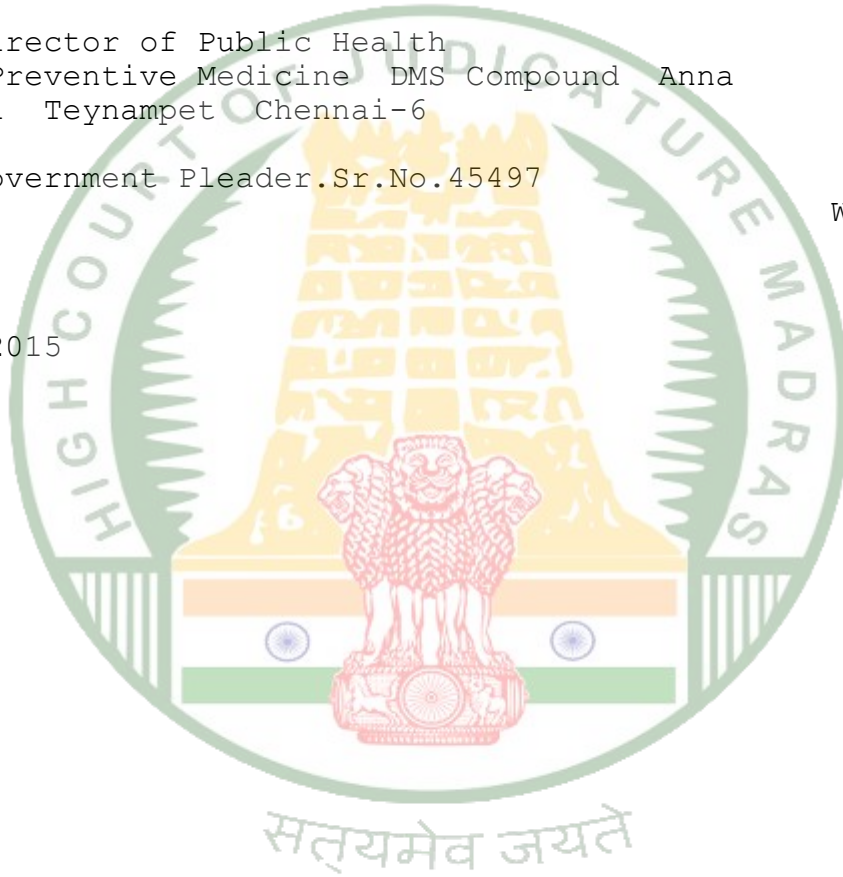
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To

- 1 The Principal Secretary to
Government health and Family Welfare
Department Secretariat Fort St. George
Chennai-9
 - 2 The Director of Medical
Education Kilpauk Chennai-10
 - 3 The Director of Medical
and Rural Health Services DMS Compound
Anna Salai Teynampet Chennai-6
 - 4 The Director of Public Health
and Preventive Medicine DMS Compound Anna
Salai Teynampet Chennai-6
- 1 cc to Government Pleader.Sr.No.45497

W.P.Nos. 26362 to
26376 of 2015

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pmk.18.9.2015



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