



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

Coram

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 16858 of 2015

and

M.P. (MD) No. 1 of 2015

M. Shanmugavalli

: Petitioner

vs.

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Medical Services Recruitment Board,
7th Floor, DMS Complex,
No. 359, Annasalai,
Chennai - 600 006.
3. The Director of Public Health and
Preventive Medicine,
D.M.S. Complex, Thenampet,
Chennai - 600 006.
4. The Dean,
Madurai Rajaji Medical Hospital,
Madurai - 2.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to regularize the petitioner service as Staff Nurse at the 4th respondent's Hospital and grant all benefits including service and monetary benefits from the date of her appointment that is 27.11.2012 by considering her representation dated 11.08.2015, within the period that may be stipulated by this Court.

For Petitioner

: Mr. S. C. Herold Singh

For Respondents

: Mr. R. Anandraj
Govt. Advocate

O R D E R

The Writ Petition has been filed by Mrs. Shanmugavalli, seeking a Writ of Mandamus, directing the respondents to regularize the petitioner service as Staff Nurse at the 4th respondent's Hospital and grant all benefits including service and monitory benefits from the date of her appointment that is 27.11.2012, by considering her representation, dated 11.08.2015.

2. The petitioner, who is presently working as a staff nurse in Government Rajaji Medical Hospital, Madurai, has not been paid salary for the past five months on the ground that she is appointed on contract basis. When the entire transaction and control are vested with the 4th respondent, the 4th respondent cannot refuse to regularize the services of the petitioner, since the petitioner has been working from 27.11.2012 with all requisite qualifications for the post of staff nurse. In this regard the petitioner has made a representation, dated 11.08.2015, seeking an order for regularizing her services. As there is some evasive reply from the respondents, the petitioner has come to this Court.

3. I have heard Mr. S.C. Herold Singh, learned counsel appearing for the petitioner and Mr. R. Anandraj, learned Government Advocate appearing for the respondents.

4. This Court, considering the limited scope of the prayer, as the petitioner has been continuously working from 2012 onwards, as staff nurse, in the 4th respondent Hospital, without going into the merits of the matter, this writ petition is disposed of directing the 2nd respondent to consider the representation of the petitioner, dated 11.08.2015, and pass appropriate orders on the same on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

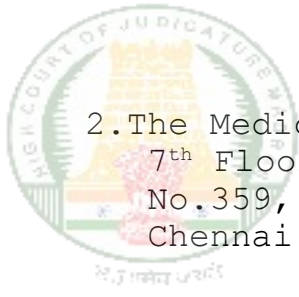
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,



2.The Medical Services Recruitment Board,
7th Floor, DMS Complex,
No.359, Annasalai,
Chennai - 600 006.

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Chennai - 600 006.

4.The Dean,
Madurai Rajaji Medical Hospital,
Madurai - 2.

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.54704

+One cc to The Special Government Pleader, SR.No.55136

mpk

RL/7c - 30/9/2015

W.P. (MD) No.16858 of 2015

16.09.2015