

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM :

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR. JUSTICE P.KALAIYARASAN

W.P.Nos.25394 to 25398 of 2015
& M.P.Nos.1 of 2015

V.Thenmozhi Loganathan ... Petitioner in W.P.No.25394/2015
S.Kamalambal .. Petitioner in W.P.No.25395/2015
G.Premadevi ... Petitioner in W.P.No.25396/2015
V.Malliga Rajasekar ... Petitioner in W.P.No.25397/2015
B.Emmi Francisca ... Petitioner in W.P.No.25398/2015

Vs.

- 1 The Registrar
Central Administrative Tribunal
High Court Campus
Chennai-600 104.
 - 2 The Deputy Director (Medical)
Headquarters Office
Employees State Insurance Corporation
Panchdeep Bhawan
C.I.G. Marg
New Delhi-110 002.
 - 3 The Medical Superintendent
E.S.I. Corporation
K.K.Nagar
Chennai-600 078.
- ... Respondents in all Writ Petitions

Prayer in W.P.No.25394/2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the order dated 31.07.2015 in O.A.No.310/01069 of 2015 confirming the order of the 3rd respondent dated 21.07.2015 in so far as it assigns duty to the petitioner/Nursing Sister performing the duty as Staff Nurse (lower cadre) quash the same and consequently for a direction directing the 3rd respondent to follow equality in assigning duties among the Nursing Sisters.

Prayer in W.P.No.25395/2015: Writ Petition filed under Article

226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the order dated 31.07.2015 in O.A.No.310/01070 of 2015 confirming the order of the 3rd respondent dated 21.07.2015 in so far as it assigns duty to the petitioner/Nursing Sister performing the duty as Staff Nurse (lower cadre) quash the same and consequently for a direction directing the 3rd respondent to follow equality in assigning duties among the Nursing Sisters.

Prayer in W.P.No.25396/2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the order dated 31.07.2015 in O.A.No.310/01071 of 2015 confirming the order of the 3rd respondent dated 21.07.2015 in so far as it assigns duty to the petitioner/Nursing Sister performing the duty as Staff Nurse (lower cadre) quash the same and consequently for a direction directing the 3rd respondent to follow equality in assigning duties among the Nursing Sisters.

Prayer in W.P.No.25397/2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the order dated 31.07.2015 in O.A.No.310/01072 of 2015 confirming the order of the 3rd respondent dated 21.07.2015 in so far as it assigns duty to the petitioner/Nursing Sister performing the duty as Staff Nurse (lower cadre) quash the same and consequently for a direction directing the 3rd respondent to follow equality in assigning duties among the Nursing Sisters.

Prayer in W.P.No.25398/2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the order dated 31.07.2015 in O.A.No.310/01073 of 2015 confirming the order of the 3rd respondent dated 21.07.2015 in so far as it assigns duty to the petitioner/Nursing Sister performing the duty as Staff Nurse (lower cadre) quash the same and consequently for a direction directing the 3rd respondent to follow equality in assigning duties among the Nursing Sisters.

For Petitioner
in all writ petitions : Mr.R.Saravanakumar

For Respondents
in all writ petitions : Mr. K.C.Ramalingam
for R2 and R3
R1 - Tribunal

COMMON ORDER

(Order of the Court was made by A.SELVAM, J.)

These Writ Petitions are directed against the common order dated 31.7.2015 passed in O.A.Nos.310/01069/2015 to 310/01074/2015 by the Central Administrative Tribunal, Madras Bench.

2. The writ petitioners, as petitioners, have filed Original Application Nos.310/01069/2015 to 310/01074/2015 on the file of the Central Administrative Tribunal, Madras Bench, praying to set aside the order passed by the third respondent on 21.7.2015. The Central Administrative Tribunal, Madras Bench, after considering the contentions put forth on either side, has dismissed all the applications, by way of passing a common order and in order to quash the same, these writ petitions have been filed.

3. The learned counsel appearing for the writ petitioners/applicants has repeatedly contended that the writ petitioners/applicants have already been promoted as Nursing Sisters and in fact, they have done a service of 15 years and they are not entitled to do the service of Staff Nurses, but the third respondent, by virtue of the impugned order, has directed them to do the service of Staff Nurses. Under such circumstances, they approached the Central Administrative Tribunal, Madras Bench for setting aside the order dated 21.7.2015, but the Tribunal, without considering the contentions put forth on the side of the writ petitioners/applicants has erroneously dismissed all applications and therefore, the common order passed by the Central Administrative Tribunal, Madras Bench, is liable to be quashed.

4. Per contra, the learned counsel appearing for the respondents 2 and 3 has contended that by virtue of the order dated 1.7.2015 passed by the second respondent, the third respondent by his order dated 21.7.2015 has directed the petitioners to perform their service in hospitals and as per the order passed by the second respondent dated 1.7.2015, if there is any grievance on the side of the petitioners, they have to approach Nodal Officer, but the petitioners have not done it and the Central Administrative Tribunal, by virtue of the provision of Section 20 of the Administrative Tribunals Act, 1985, has rightly dismissed all applications and therefore, the common order passed by the Central Administrative Tribunal, Madras Bench is not liable to be set aside.

5. It is an admitted fact that the present writ petitioners/applicants have been given the proceeding dated 1.7.2015, wherein it has been clinchingly stated to the effect that the petitioners have to be assigned duties in hospitals. Further, it is stated therein that if at all the petitioners are having any grievance, they have to approach Nodal Officer.

6. As stated supra, for redressing grievance of the petitioners, they have to approach Nodal Officer, but they have not done it and they approached the Central Administrative Tribunal, Madras Bench for getting the relief sought in Original Applications.

7. The Central Administrative Tribunal, Madras Bench, after considering the provision of Section 20 of the Administrative Tribunals Act, 1985 and also after considering the nature of the proceeding dated 1.7.2015 coupled with the order dated 21.7.2015, has dismissed all the applications.

8. As adverted to earlier, by the proceeding dated 1.7.2015, the petitioners have been simply directed to go to hospitals. If really the petitioners are having any bona fide/genuine grievance, they can very well ventilate their grievance by way of approaching the Nodal Officer, but they have not done it.

9. Considering the fact that the petitioners have not availed the opportunity given in the proceeding dated 1.7.2015, this Court is of the view that the order passed by the Central Administrative Tribunal is quite correct and the same does not call for any interference, however, the following direction is given to the petitioners:

In fine, with the above observation, these writ petitions are disposed of. However, the petitioners are at liberty to give a representation by way of setting forth their grievance to the second and third respondents. The second and third respondents are strictly directed to dispose of the same, on the basis of experience of the petitioners to be mentioned in the representation, within a period of one month from the date of receipt of the representation. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ajr

To

1 The Registrar
Central Administrative Tribunal
High Court Campus
Chennai-600 104.

2 The Deputy Director (Medical)
Headquarters Office
Employees State Insurance Corporation
Panchdeep Bhawan
C.I.G. Marg
New Delhi-110 002.

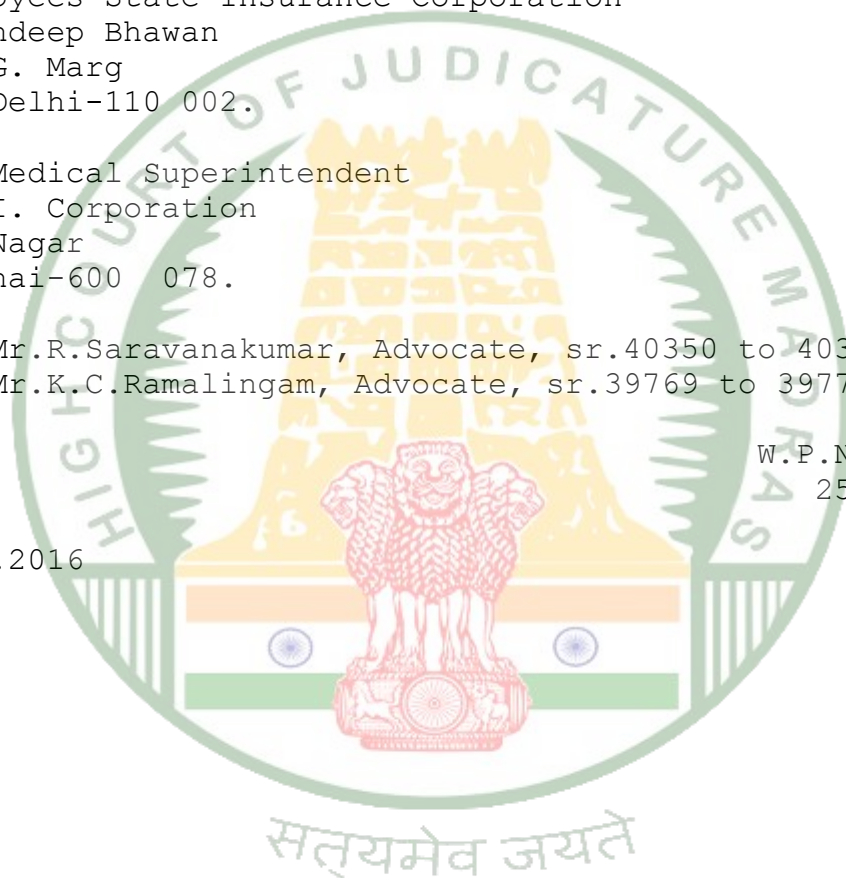
3 The Medical Superintendent
E.S.I. Corporation
K.K.Nagar
Chennai-600 078.

5 ccs to Mr.R.Saravanakumar, Advocate, sr.40350 to 40354

5 ccs to Mr.K.C.Ramalingam, Advocate, sr.39769 to 39773

W.P.Nos.25394 to
25398 of 2015

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