

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.28429, 28432, 28434, 28440, 28442, 28444, 28682, 28689,
28693, 28694, 28699 & 28703 of 2019

C.VIMALA ... PETITIONER in WP No.28429 of 2019
K.S. GAYATHRI ... PETITIONER in WP No.28432 of 2019
K. VENNILA ... PETITIONER in WP No.28434 of 2019
R. JASMIN JEYA RAJINI ... PETITIONER in WP No.28440 of 2019
S. GEETHA MAHESH ... PETITIONER in WP No.28442 of 2019
S.P. KRISHNAVENI ... PETITIONER in WP No.28444 of 2019
G.PREMA ... PETITIONER in WP No.28682 of 2019
J. KAVITHA ... PETITIONER in WP No.28689 of 2019
G. BHUVANESWARI ... PETITIONER in WP No.28693 of 2019
M. MALATHI ... PETITIONER in WP No.28694 of 2019
S. CHITRA ... PETITIONER in WP No.28699 of 2019
S. AKKAMMAL ... PETITIONER in WP No.28703 of 2019

सत्यमेव जयते
vs

1.THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
FORT ST. GEORGE, CHENNAI - 600 009.

2.THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY,
DEPARTMENT OF FINANCE (PENSION),
FORT ST. GEORGE, CHENNAI 600 009.

3.THE DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
162, POONAMALLE HIGH ROAD,
KILPAUK, CHENNAI - 600 010.

4.THE DIRECTOR OF MEDICAL AND RURAL
HEALTH SERVICES,
CHENNAI - 600 006.

...RR1 to 4 in all WPs

5.THE DEAN,
GOVERNMENT HOSPITAL,
GUDALUR, THE NILGIRIS, DISTRICT.

... R5 in W.P.No.28429 of 2019

6.THE DEAN
COIMBATORE MEDICAL COLLEGE HOSPITAL,
COIMBATORE.

...R6 in W.P.NO.28429, 28434,
28440, 28442, 28682/19

...R5 in W.P.No.28432, 28444 of 2019

THE MEDICAL OFFICER
ESI DISPENSARY , SELVAPURAM,
COIMBATORE 26.

...R6 in W.P.No.28432 of 2019

THE DEAN,
GOVERNMENT HOSPITAL, POLLACHI,
COIMBATORE DISTRICT.

...R5 in W.P.No.28434 of 2019

THE DEAN
GOVERNMENT HOSPITAL, COLACHEL,
KANNIYAKUMARI DISTRICT.

...R5 in W.P.No.28440 of 2019

THE DEAN,
GOVERNMENT HOSPITAL,
ARUPPUKOTTAI.

...R5 in W.P.No.28442 of 2019

THE DEAN,
GOVERNMENT HOSPITAL AND ESI HOSPITAL
VOUADHARAJAPURAM, SINGANAILLUR,
COIMBATORE DISTRICT.

...R6 in W.P.No.28444 of 2019

THE DEAN,
GOVERNMENT HOSPITAL,
GOBICHETTIPIALAYAM.

...R5 IN W.P.28682 OF 2019

THE BLOCK MEDICAL OFFICER,
GOVERNMENT PRIMARY HEALTH CENTRE,
BERIGAI,
KRISHNAGIRI DISTRICT.

...R5 IN W.P.28689 OF 2019,
28693 OF 2019

THE DEAN,
GOVERNMENT MOHAN KUMARAMANGALAM,
MEDICAL COLLEGE HOSPITAL,
SALEM.

... R6 IN W.P.28689 OF 2019, 28693,
28694, 28699 OF 2019,

THE BLOCK MEDICAL OFFICER,
GOVERNMENT PRIMARY HEALTH CENTRE,
KELAMANGALAM, KRISHNAGIRI. ...R5 IN W.P.28694 OF 2019

THE BLOCK MEDICAL OFFICER,
GOVERNMENT PRIMARY HEALTH CENTRE,
B.MELLAPURAM, DHARMAPURI DISTRICT. ...R5 IN W.P.28699 OF 2019

THE MEDICAL OFFICER,
GOVERNMENT HOSPITAL, NILAKOTTAI,
DINDIGUL DISTRICT. ...R5 IN W.P.NO.28703 OF 2019

THE MEDICAL OFFICER,
GOVERNMENT HOSPITAL,
UDUMALPET, TIRUPPUR DISTRICT. ...R6 IN W.P. NO.28703 OF 2019

Writ Petitions filed under Article 226 of the Constitution
of India praying to issue a Writ of Mandamus,

Prayer in W.P.No.28429 of 2019:

directing the respondents to place the petitioner under the
Old Pension Scheme based on the initial date of appointment of
the petitioner as Staff Nurse on 06.05.2002 on contract basis in
the 5th respondent Government Hospital Gudalur including the
petitioners subsequent joining in the Coimbatore Medical College
Hospital on 17.06.2005 and subsequent entire service periods
till her retirement.

Prayer in WP No.28432 of 2019:

directing the respondents to place the petitioner under the
Old Pension Scheme based on the initial date of appointment of
the petitioner as Staff Nurse on 23.01.2002 on contract basis in

the 5th respondent Coimbatore Medical College Hospital including the petitioners subsequent joining in the Government Primary Health Centre, Sellapampalayam, Coimbatore on 24.11.2004 and subsequent entire service periods till her retirement.

Prayer WP No.28434 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 12.12.2001 on contract basis in the 5th respondent Government Hospital, Pollachi including the petitioners subsequent joining in the Government Hospital, Pollachi on 05.11.2004 and subsequent entire service periods till her retirement.

Prayer in WP No.28440 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 06.12.2001 on contract basis in the 5th respondent Government Hospital, Colachel, Kanyakumari District including the petitioners subsequent joining in the Coimbatore Medical College Hospital on 10.11.2004 and subsequent entire service periods till her retirement.

Prayer in WP No.28442 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 06.12.2001 on contract basis in the 5th respondent Government Hospital, Aruppukottai including the petitioners subsequent joining in the Coimbatore Medical College Hospital on 10.11.2004 and subsequent entire service periods till her retirement.

Prayer in WP No.28444 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 23.01.2002 on contract basis in the 5th respondent Coimbatore Medical College Hospital including the Petitioners subsequent joining in the Coimbatore Medical College Hospital on 10.11.2004 and subsequent entire service periods till her retirement.

Prayer in WP No.28682 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 22.10.2001 on contract basis in

the 5th respondent Government Hospital, Gobichettipalayam including the petitioners subsequent joining in the Government Stanley Medical College Hospital, Chennai on 28.06.2004 and subsequent entire service periods till her retirement.

Prayer in WP No.28689 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment order to the petitioner dated 24.03.2003 eventhough joined in service on 22.04.2003 as Staff Nurse on contract basis in the 5th respondent Government Primary Health Centre, Berigai, Krishnagiri District including the petitioners subsequent joining in the Government Stanley Hospital, Chennai on 21.06.2006 and subsequent entire service periods till her retirement.

Prayer in WP No.28693 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment order to the petitioner dated 24.03.2003 eventhough joined in service on 22.04.2003 as Staff Nurse on contract basis in the 5th respondent Government Primary Health Centre, Berigai, Krishnagiri District including the petitioners subsequent joining in the Government Stanley Hospital, Chennai on 21.06.2006 and subsequent entire service periods till her retirement.

Prayer in WP No.28694 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment order to the petitioner dated 24.03.2003 eventhough joined in service on 21.04.2003 as Staff Nurse on contract basis in the 5th respondent Government Primary Health Centre, Kela Mangalam, Krishnagiri District including the petitioners subsequent joining in the Government Rajiv Gandhi Medical College Hospital, Chennai on 21.06.2006 and subsequent entire service periods till her retirement.

Prayer in WP No.28699 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment order to the petitioner dated 24.03.2003 eventhough joined in service on 06.06.2003 as Staff Nurse on contract basis in the

5th respondent Government Primary Health Centre, B. Mallapuram, Dharmapuri District including the petitioners subsequent joining in the Government Stanley Hospital, Chennai on 21.06.2006 and subsequent entire service periods till her retirement.

Prayer in WP No.28703 of 2019:

directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 06.12.2001 on contract basis in the 5th respondent Government Hospital, Nilakottai, Dindugul District including the petitioners subsequent joining in the Government Hospital, Pollachi, Coimbatore District on 03.11.2004 and subsequent entire service periods till her retirement.

For Petitioner : M/s.Xavier Rajini
For Respondents 1 : Mrs.A.Sri Jayanthi
Additional Government Pleader
For Respondents 2 to 6 : Mrs.Narmada Sampath
Additional Advocate General
Assisted by
Mr.V.Kadirvelu
Special Government Pleader

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

2. The case of the petitioners is that initially they were appointed as Staff Nurse in various Government Hospitals of Tamil Nadu in the years 2001, 2002 & 2002 on contract basis. The petitioners were discharging their duties as a Staff Nurse having more workload than the regular Staff Nurse. The respondents paid a monthly salary as Rs.2,500/- (Two Thousand five Hundred only) i.e., consolidated pay eventhough the nomenclature of post indicates as "Temporary Appointment on Contract basis". Thereafter, the respondents absorbed the petitioners as regular Staff Nurse in various Government Hospitals of Tamil Nadu and placed them under Contributory Pension Scheme instead of Old Pension Scheme. The petitioners have made several representations to the respondents and finally they made representations on 26.11.2018 requesting the respondents to place them under Old Pension Scheme. However, till date the said representations were not considered by the

respondents. As against the inaction of the respondents, the present Writ Petitions are filed.

3. The learned counsel for the petitioners would submit that it would be suffice to issue direction to the respondents to consider and dispose of the representations dated 26.11.2018, made by the petitioners in accordance with law.

4. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue direction to the respondents to dispose of the representations dated 26.11.2018 made by the petitioners, if not disposed already within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.THE SECRETARY,
STATE OF TAMIL NADU,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
FORT ST. GEORGE, CHENNAI - 600 009.
- 2.THE SECRETARY,
STATE OF TAMIL NADU,
DEPARTMENT OF FINANCE (PENSION),
FORT ST. GEORGE, CHENNAI 600 009.
- 3.THE DIRECTOR OF MEDICAL EDUCATION,
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COIMBATORE.

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ESI DISPENSARY , SELVAPURAM,
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8.THE DEAN,
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10.THE DEAN,
GOVERNMENT HOSPITAL,
ARUPPUKOTTAI.

11.THE DEAN,
GOVERNMENT HOSPITAL AND ESI HOSPITAL
VOUADHARAJAPURAM, SINGANALLUR,
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15.THE BLOCK MEDICAL OFFICER,
GOVERNMENT PRIMARY HEALTH CENTRE,
KELAMANGALAM, KRISHNAGIRI.

16.THE BLOCK MEDICAL OFFICER,
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B.MELLAPURAM, DHARMAPURI DISTRICT.

17.THE MEDICAL OFFICER,
GOVERNMENT HOSPITAL, NILAKOTTAI,
DINDIGUL DISTRICT.

18.THE MEDICAL OFFICER,
GOVERNMENT HOSPITAL,
UDUMALPET, TIRUPPUR DISTRICT.

+12 cc to Mr.S.Xavier Rajini, Advocate sr.85192, 85194 to 85204
+1cc to the Government Pleader Sr.85478, 85479, 85529 & 85534

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srg 27/11/2019



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