



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.25422 of 2019

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R.Sumathi

... Petitioner

-Vs-

- 1.The State of Tamil Nadu
Represented by its Secretary
Department of Health and Family Welfare
Fort.St.George, Chennai 600 009
- 2.The State of Tamil Nadu
Represented 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
- 5.The Chief Medical Officer
Government Primary Health Centre
Gandamanur, Theni District
- 6.The Dean
Government Rajaji Hospital
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, 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 01.03.2001 as Temporary Appointment on contract basis in the 5th respondent Government Primary Health Centre, Gandamanur, Theni District including the petitioner's subsequent absorption as Regular



Staff Nurse in the Government Rajaji Hospital, Madurai on 01.09.2006 and subsequent entire service periods till her retirement.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

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ORDER

This Writ petition has been filed for a direction to 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 01.03.2001 as Temporary Appointment on contract basis in the 5th respondent Government Primary Health Centre, Gandamanur, Theni District, including the petitioner's subsequent absorption as Regular Staff Nurse in the Government Rajaji Hospital, Madurai, on 01.09.2006 and subsequent entire service periods till her retirement.

2.Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice on behalf of the respondents. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, she was temporarily appointed as Staff Nurse in the fifth respondent Government Primary Health Centre, Gandamanur, Theni District, on 01.03.2001 on contract basis under consolidated pay. The State Government introduced the Contributory Pension Scheme with effect from 01.04.2003, indicating that those who are newly recruited on or after 01.04.2003, comes under the Contributory Pension Scheme. The petitioner was appointed as Staff Nurse on temporary basis on 01.03.2001 ie. before the introduction of Contributory Pension Scheme. Hence, she made several representations to the respondents on various dates and the last representation, dated 26.11.2018, requesting to place her under Old Pension Scheme. Since no action has been taken by the respondents so far, the petitioner has come up with the present Writ petition.

4.The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 26.11.2018.

5.Considering the nature of relief sought for by the petitioner, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of the petitioner, dated 26.11.2018 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (W)

Sub Assistant Registrar (CS)

msa

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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162, Poonamalle High Road
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Health Services
Chennai 600 006
5. The Chief Medical Officer
Government Primary Health Centre
Gandamanur, Theni District
6. The Dean
Government Rajaji Hospital
Madurai
+1CC TO MR.S.XAVIER RAJINI, ADVOCATE, SR NO.102818

W.P. (MD) No.25422 of 2019

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