



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

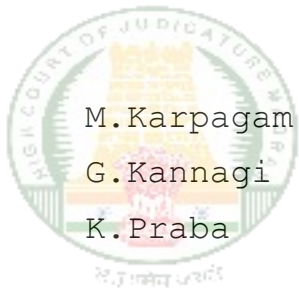
**W.P. (MD)Nos.8611 to 8613, 7811,7812,7852,
12615 to 12619, 17045 to 17051, 12700 to 12704
and 12511 to 12513 of 2016**

and

W.M.P. (MD) .No.6464 of 2016 in W.P(MD) .No.7852 of 2016

V.Anuradha .. Petitioner in WP(MD)No. 8611 of 2016
M.Chithra ... Petitioner in WP(MD)No. 8612 of 2016
P.Vijayarani ... Petitioner in WP(MD)No . 8613 of 2016
S.Dhivya, ... Petitioner in WP(MD)No . 7811 of 2016
M. Gnanaguru ... Petitioner in WP(MD)No . 7812 of 2016

1. P V Rajan,
2. R.Suja Rani
3. Selvi B,
4. Sudha Rani M ...Petitioner in WP(MD)No . 7852 of 2016
J.Saraswathy ... Petitioner in WP(MD)No . 12615 of 2016
V.Hentlin Shiny, ... Petitioner in WP(MD)No . 12616 of 2016
M.S.Barathi ... Petitioner in WP(MD)No . 12617 of 2016
S.Shobana, ... Petitioner in WP(MD)No . 12618 of 2016
P.M.Ayesha Banu ... Petitioner in WP(MD)No . 12619 of 2016
Muthulakshmi, ... Petitioner in WP(MD)No . 17045 of 2016
J.Latha, ... Petitioner in WP(MD)No . 17046 of 2016
Mathana Devi, ... Petitioner in WP(MD)No . 17047 of 2016
C.Sundaravalli ... Petitioner in WP(MD)No . 17048 of 2016
D.Nifrn Nisha, .. Petitioner in WP(MD)No . 17049 of 2016
M.Ponmalar, ... Petitioner in WP(MD)No . 17050 of 2016
K.Sahaya Priya, ... Petitioner in WP(MD)No . 17051 of 2016
P.Mariya Selvam ... Petitioner in WP(MD)No . 12700 of 2016
M.Sathya ...Petitioner in WP(MD)No . 12701 of 2016
Stella Chandra Bai ...Petitioner in WP(MD)No . 12702 of 2016
P.Selva Praba ...Petitioner in WP(MD)No . 12703 of 2016
<https://hcservices.mca.gov.in/hcscservices/> ... Petitioner in WP(MD)No . 12704 of 2016



M.Karpagam

... Petitioner in WP(MD)No . 12511 of 2016

G.Kannagi

... Petitioner in WP(MD)No . 12512 of 2016

K.Praba

... Petitioner in WP(MD)No . 12513 of 2016

WEB COPY

Vs

1.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamilnadu,
Fort St.George,
Chennai- 600 001.

2. The Director,
Medical and Rural Health Services,
Chennai- 600 006.

3.The Member Secretary,
Medical Services Recruitment Board(MRB),
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai- 600 008.

.. Respondents in all WPs

COMMON PRAYER: Writ Petition are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to regularize the petitioner's appointment as Nurse in the regular pay scale of Rs.9300-34800 plus Grade Pay Rs.4450/- or any other present regular pay scale on par with the other government nurses with effect from the respective date of appointment.

IN ALL WPS

For Petitioner : Mr.G.V.Vairam Santhosh

For Respondents 1 & 2 : Mr.M.Muthugeethayan
Special Government Pleader

For Respondent No.3 : Mr.T.S.Mohamed Mohideen

COMMON ORDER

Since the issue involved in these Writ Petitions are one and the same, with the consent of both parties, they are taken up together and disposed of by a common order.

2. The only ground which has been raised by the petitioners in all writ petitions is that they were appointed as Nurse in the year 2015 and 2016, respectively through Medical Services Recruitment

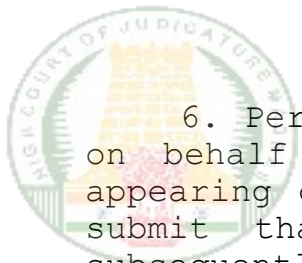


Board and are getting consolidated scale of pay of Rs.7,700/- per month with annual increment of Rs.500/- per year, at the same time, the another set of Nurses, who were appointed after the petitioners' appointment, through TNPSC/MRB are being paid with the regular scale of Rs.9300-34800+Grade Pay of Rs.4450/-, whereas, the educational qualification, the time of work and nature of work are very same to both of them. Hence, they claim the regular time scale of pay on par with the TNPSC appointees or with other government Nurses.

3. The case of the petitioners is that the petitioners are qualified Staff Nurses working under the control of the first and second respondents and they were appointed through notification issued by the third respondent in Notification No.01/2015 dated 19.04.2015 inviting applications from eligible candidates in the State of Tamilnadu for appointment as Nurses for 7243 vacancies in the department of the second respondent. As per the said notification selection were made through a competitive examination and the selected candidates were appointed as Nurse in the Tamil Nadu Medical Subordinate Service on consolidated pay of Rs.7,700/- per month with Rs.500/- annual increment, as per G.O.(MS).No.312, Health and Family Welfare Department (EAP II-2) dated 26.12.2013 and G.O.(Ms).No.322, Health and Family Welfare Department (EAP II-2) dated 17.10.2014. Further it is stated in the notification that the recruitees will be absorbed into regular time scale of pay, after completion of a minimum of 2 years (excluding leave period), subject to availability of regular vacancies strictly based on seniority and eligibility. Hence, they have sent representations for regularize their services as Nurse in the regular pay scale of Rs.9300-34800+Grade Pay of Rs.4450/- or any other present regular pay on par with the other government Nurses with effect from their respective date of appointment. But the said representations were not considered till date. Hence, they have come up with these writ petitions.

4. Heard the submissions made on either side and perused the materials available on record.

5. Mr.G.V.Vairam Santhosh, learned counsel appearing on behalf of the petitioners in all petitions would submit that the nature of job rendered by the petitioners as well as the persons, who were appointed subsequent to them are one and the same, however, there was a pay disparity between them. In order to remove the pay disparity, the petitioners sent representations to the respondents, but the said representations were not considered till date. At this juncture, the learned counsel for the petitioners would submit that though the prayer sought for in these writ petitions are larger in nature, the petitioners confine their prayer for a direction to consider their representations. Hence, he prays for a direction to the respondents to consider their representations and pass appropriate orders within a reasonable time as fixed by this Court.



6. Per contra, the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent in all petitions would submit that the nature of work of the petitioners and the subsequently appointed Nurses are completely different and the petitioners are appointed in the Primary Health Centres whereas the Nurses selected through TNPSC are appointed in the Government Medical College Hospitals. Hence, the petitioners cannot equate their services with the subsequent appointees selected through TNPSC. However, the petitioners representations will be considered in the manner known to law.

7. Considering the limited scope of prayer sought for in these writ petitions, without going into the merits of the case, this Court is inclined to issue a direction to the respondents concerned to consider the petitioners' representations. Accordingly, the first respondent is directed to consider the representations of the petitioners and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamilnadu,
Fort St.George,Chennai- 600 001.



2.The Director,
Medical and Rural Health Services,
Chennai- 600 006.

3.The Member Secretary,
Medical Services Recruitment Board(MRB),
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet, Chennai- 600 008.

+1 CC to MR.T.S.MOHAMED MOHIDHEEN, Advocate (SR-6748[F] dated
23/02/2021)

+1cc to SPL GP Sr.No.7267

**W.P. (MD) Nos.8611 to 8613,7811,7812,7852,
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VB (18.03.2021) 5P 6C