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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4520 of 2022

R.Kasthuribai

... Petitioner

vs.

1.The State of Tamil Nadu,  
Rep. by its Principal Secretary  
to Government,  
Health & Family Welfare Department,  
Fort St.George,  
Chennai 600 009.

2.The Director of Medical  
& Rural Health Services,  
DMS Campus,  
Teynampet,  
Chennai - 600 006.

3.The Dean,  
Rajiv Gandhi Government  
General Hospital,  
Poonamallee High Road,  
Chennai - 600 003.

4.The Member Secretary,  
Medical Services Recruitment  
Board,  
7<sup>th</sup> Floor, DMS Buildings,  
No.359, Anna Salai,  
Teynampet,  
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to absorb the petitioner as Government Nurse on regular time scale of pay with effect from the date of her initial appointment as Nurse on 05.10.2015 with all consequential service and monetary benefits.



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For Petitioner : Mr.R.Prem Narayan

For RR1 to 3 : Mr.A.M.Ayyadurai  
Government Advocate

For R4 : M.Loganathan

## O R D E R

This writ petition has been filed for issuance of Mandamus to direct the respondents to absorb the petitioner as Government Nurse on regular time scale of pay with effect from the date of her initial appointment as Nurse on 05.10.2015 with all consequential service and monetary benefits.

2. The case of the petitioner in brief:

The petitioner was appointed as a Nurse on consolidated pay in the Tamil Nadu Medical Subordinate Service vide order dated 19.09.2015 and was posted at Government Primary Health Centre, Padagam, Thiruvannamalai District and she joined on 05.10.2015 in that place. Thereafter, she was transferred to Rajiv Gandhi Government General Hospital, Chennai, vide order dated 14.07.2017 and she joined as Staff Nurse in the Pay Ward of on 09.10.2017 and continuing duty till date. The petitioner would further submit that she has completed more than two years of service as Nurse on Consolidated Pay and she had made several representations to the respondents requesting them to absorb her in regular time scale of pay as there are many vacancies in the post of Nurses on time scale of pay. But, the representations have not been considered by the respondents. Hence, this writ petition.

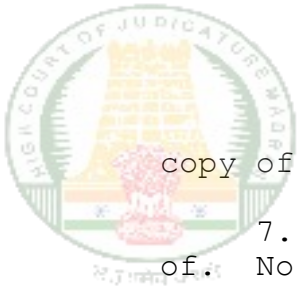
3. Heard the learned counsel appearing for the petitioner and the Counsels appearing for the respondents.

4. The learned Government Advocate appearing for the respondents submitted that, the representation of the petitioner will be considered by the authorities concerned and appropriate orders will be passed, in accordance with law, if she is otherwise eligible.

5. Inview of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass orders.

6. Accordingly, it is ordered as follows:

i) The second respondent is directed to consider the representation of the petitioner dated 08.11.2021, and pass appropriate orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a



copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

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Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ata/mst

To

1.The Principal Secretary  
Health & Family Welfare Department,  
Fort St.George,  
Chennai 600 009.

2.The Director,  
Medical & Rural Health Services,  
DMS Campus,  
Teynampet,  
Chennai - 600 006.

3.The Dean,  
Rajiv Gandhi Government  
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4.The Secretary,  
Medical Services Recruitment  
Board,  
7<sup>th</sup> Floor, DMS Buildings,  
No.359, Anna Salai,  
Teynampet,  
Chennai - 600 006.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.13657  
+1cc to the Government Pleader, S.R.No.14608

W.P.No.4520 of 2022

PA(CO)  
SB(18/03/2022)