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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6834 of 2022

K.Vijaya

... 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 Deputy Director of Health Services,
No.5, Beach Road, Cuddalore - 607 001.
- 4.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Buildings, No.359, Anna Salai,
Teynampet,
Chennai - 600 006.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ 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 03.09.2016 with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For RR1 to 3 : Mrs.P.Rajarajeswari
Government Advocate

For R4 : Mr.M.Loganathan



ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed Seeking to issue 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 with all consequential service and monetary benefits.

3. The petitioner was selected through the Medical Services Recruitment Board and she was appointed as Nurse vide order dated 03.09.2016 on consolidated pay in the Tamil Nadu Medical Subordinate Service at Government Primary Health Centre, Mangalore, Cuddalore District. Now she is working in the Government Primary Health Centre, Sirumangalam, Cuddalore District by transfer. The petitioner has completed more than two years of service as Nurse on Consolidated Pay and she 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.

4. The learned counsel appearing for the petitioner submitted that this court in similar matter has passed order in W.P.No.4520 of 2022 dated 02.03.2022 and therefore, on the same line, the second respondent may be directed to consider the representation of the petitioners and to pass orders.

5. 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, on its own merits and in accordance with law, if she is otherwise eligible.

6. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The second respondent is directed to consider the representation of the petitioner and pass 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.



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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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 Deputy Director, Health Services,
No.5, Beach Road, Cuddalore - 607 001.
- 4.The Member Secretary,
Medical Services Recruitment Board, 7th Floor,
DMS Buildings,
No.359, Anna Salai,
Teynampet,
Chennai - 600 006.

+1cc to M/s.Prem Narayan, Advocate Sr.19821
+1cc to the Government Pleader Sr.20377

W.P.No.6834 of 2022

pmk[co]
srg 06/04/2022