



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.7061, 7064, 7067 & 7069 of 2022

D.Soundhani	... Petitioner in WP.7061 of 2022
N.Jayalakshmi	... Petitioner in WP.7064 of 2022
W.Regina	... Petitioner in WP.7067 of 2022
S.Sivakami	... Petitioner in WP.7069 of 2022

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai - 600 009.
..3rd Respondent in WP.7061/2022
- 2.The Director of Medical & Rural Health Services,
DMS Campus, Teynampet, Chennai - 600 006.
.. Respondents in all Wps
- 3.The Deputy Director of Health Services,
No.54/5, Assoori Street,
Thiruvallur 602 001.
..3rd Respondent in WP.7064/2022
- 4.The Director & Superintendent,
Government Kasturba Hospital for Women and Children &
General Hospital,Vitoria Hospital Road,Chepauk,
Triplicane,Chennai 600 003.
..3rd Respondent in WP.7067/2022
- 5.The Deputy Director of Health Services,
New Collectorate Buildings,
B Block, 2nd Floor,Sathuvachari,
Vellore 632 009.
..3rd Respondent in WP.7069/2022
- 6.The Deputy Director of Health Services,
No.5,Beach Road,
Cuddalore 607 001.
..4th Respondent in all WPs
- 4.The Member Secretary,
Medical Services Recruitment Board, 7th Floor,
DMS Buildings, No.359, Anna Salai,
Teynampet, Chennai 600 006.
..4th Respondent in all WPs



Prayer in W.P.No.7061 of 2022: Writ petition filed under Article 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 05.10.2015 with all consequential service and monetary benefits.

Prayer in W.P.No.7064 of 2022: Writ petition filed under Article 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 14.11.2015 with all consequential service and monetary benefits.

Prayer in W.P.No.7067 of 2022: Writ petition filed under Article 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 16.12.2015 with all consequential service and monetary benefits.

Prayer in W.P.No.7069 of 2022: Writ petition filed under Article 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 05.10.2015 with all consequential service and monetary benefits.

In all writ petitions

For Petitioners: Mr.R.Prem Narayan

For RR 1 to 3 : Mrs.P.Rajarajeswari
Government Advocate

For R4 : Mr.M.Loganathan

COMMON ORDER

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

2. The writ petitions have been filed Seeking to issue a Writ of Mandamus, directing the respondents to absorb the petitioners as Government Nurse on regular time scale of pay with effect from the date of their initial appointment as Nurse with all consequential service and monetary benefits.



3. The facts and circumstances and the issues involved in all the writ petitions are one and the same and hence, this court passes the common order.

4. The case of the petitioners in brief:

The petitioners were selected through the Medical Services Recruitment Board and they were appointed as Nurse vide order passed by the second respondent on various dates in the year 2015, on consolidated pay, in the Tamil Nadu Medical Subordinate Service at various places. Now, they are transferred and working as Nurse in their respective transferred places. The petitioners have completed more than two years of service as Nurse on Consolidated Pay and they made several representations to the respondents requesting them to absorb them 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.

5. The learned counsel appearing for the petitioners submitted that, the Medical Services Recruitment of Board (MRB), Tamil Nadu, while issuing notification, inviting applications for the post of Nurses, in Annexure-6, it has been specifically stated that, " Recruittees will be absorbed into regular time scale of pay, after completion of a minimum of two year (excluding leave period), subject to availability of regular vacancies (strictly based on seniority and eligibility)." Therefore, since the petitioners have completed more than 2 years of service, they may be absorbed on regular time scale of pay. He also relied upon the orders passed by this court in a similar matter in W.P.No.4520 of 2022 dated 02.03.2022 and prayed that, on the same line, the second respondent may be directed to consider the representations of the petitioners and to pass orders.

6. The learned Special Government Pleader appearing for the respondents submitted that, the representations of the petitioners will be considered by the authorities concerned and appropriate orders will be passed, in its own merits and in accordance with law, if they are otherwise eligible.

7. Inview of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court passes the following order.

i) The second respondent is directed to consider the individual representation of the petitioners and pass individual 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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8. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//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 of Medical & Rural Health Services,
DMS Campus, Teynampet, Chennai - 600 006.
- 3.The Dean, Rajiv Gandhi Government General Hospital,
Poonamalle High Road, Chennai - 600 009.
- 4.The Member Secretary,
Medical Services, Recruitment Board,
7th Floor, DMS Buildings, No.359, Anna Salai,
Teynampet, Chennai - 600 006.
- 5.The Deputy Director of Health Services,
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B Block, 2nd Floor,Sathuvachari,
Vellore 632 009.
- 8.The Deputy Director of Health Services,
No.5,Beach Road,
Cuddalore 607 001.

+1 cc to Mr. R.Prem Narayan, Advocate Sr.NO. 20543
+1 cc to Government Pleader Sr.NO. 21353

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MT (CO)
A.SK(18/04/2022)