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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8037 of 2022

K.Gopinathan

... 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,
Poonamalle High Road,
Chennai - 600 003.
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 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 his initial appointment as Nurse on 23.01.2017 with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan



For RR1 to 3 : Mr.S.Prabhakaran
Government Advocate
For R4 : Mr.M.Loganathan
Standing Counsel

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ORDER

By consent of both parties, these Writ Petitions are 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 his initial appointment as Nurse with all consequential service and monetary benefits.

3. The case of the petitioner is that he was selected through the Medical Services Recruitment Board and he was appointed as Nurse vide order dated 27.12.2016 and was posted at Urban Primary Health Centre, Kulakarai Street, Pallavaram Mpty, Saidapet HUD, Kancheepuram Districtt, on consolidated pay in the Tamil Nadu Medical Subordinate Service and joined duty on 23.01.2017. Thereafter, he was deputed to the Office of the Deputy Director of Health Services, Saidapet vide order dated 02.05.2017 and thereafter, he was transferred to Government Primary Health Centre, Uppatti, The Nilgiris, vide order dated 28.05.2018. 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 an 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 petitioner and to pass orders.

5. The learned Government Advocate appearing for the respondents 1 to 3 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. Inview of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the first respondent to consider representation of the petitioner dated 30.11.2021



and pass appropriate orders on its own merits and 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, these Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ata/uma

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 - 600 003.
4. The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Buildings,
No.359, Anna Salai,
Teynampet, Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.23026

W.P.No.8037 of 2022

GPL(CO)
CT 26/04/2022