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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.7838 of 2022

M.Kaleeswari

... 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 Chief Medical Officer,
Government Hospital,
Tambaram,
Chengalpet District.

4.The Member Secretary,
Medical Services Recruitment
Board,
7th Floor, DMS Buildings,
No.359, Anna Saalai,
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 14.12.2015 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



O R D E R

By consent of both parties, this 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 case of the petitioner is that she was selected through the Medical Services Recruitment Board and she was appointed as Nurse vide order dated 23.11.2015 and was posted at Government Primary Health Centre, Rajan Nagar, Erode, on consolidated pay in the Tamil Nadu Medical Subordinate Service and joined on 14.12.2015. Thereafter, she was transferred to Government Hospital, Tambaram, vide order dated 19.09.2016 and joined as Staff Nurse. 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. 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 direct the second respondent to consider representation of the petitioner dated 01.11.2021 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.



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7. With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The 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 Chief Medical Officer,
Government Hospital,
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- 4.The Member Secretary,
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7th Floor, DMS Buildings,
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+1cc to Mr.R.Prem Narayan, Advocate S.R.No.23320
+1cc to the Government Pleader, S.R.No.23031

W.P.No.7838 of 2022

PM(CO)
SB(22/04/2022)