



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM:

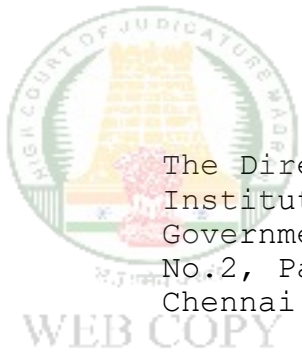
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.8447, 8453, 8456 AND 8458 OF 2022

P.V.Rajan S/o.Velukannu	...Petitioner in WP 8447/2022
M.Sasikala W/o J.Jothibas	...Petitioner in WP 8453/2022
V.Kanchana W/o Manivannan	...Petitioner in WP 8456/2022
Leelavathi Sankar, W/o Kannan	...Petitioner in WP 8458/2022

Vs

1.The State of Tamil Nadu rep. by its Principal Secretary to Government, Health and Family Welfare Department, Fort St. George, Chennai 600 009.	
2.The Director of Medical and Rural Health Services, DMS Campus, Teynampet, Chennai - 600 006.	...Respondents 1,2 - in all Writ Petitions
The Joint Director of Medical and Rural Health Services, Government Hospital Building, Kottar, Nagercoil - 629 002. Kanyakumari District.	...Respondent-3 in W.P.8447/2022
The Deputy Director of Health Services, No.13A, Ottakoothar Street, Mamallan Nagar, Kancheepuram	...Respondent-3 in W.P.8453/2022
The Medical Superintendent, Government Headquarters Hospital, Kancheepuram	...Respondent-3 in W.P.8456/2022



The Director & Hospital Superintendent,
Institute of Obstetrics & Gynaecology and
Government Hospital for Women & Children,
No.2, Pantheon Road, Egmore,
Chennai 600 008

...Respondent-3 in W.P.8458/2022

Prayer in W.P.No.8447 of 2022 : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to retrospectively regularize the service of the petitioner in the post of Nurse with effect from his initial date of appointment on 21.09.2015 with all consequential service and monetary benefits.

Prayer in W.P.No.8453 of 2022 : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to retrospectively regularize the service of the petitioner in the post of Nurse with effect from her initial date of appointment on 19.09.2015 with all consequential service and monetary benefits.

Prayer in W.P.No.8456 of 2022 : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to retrospectively regularize the service of the petitioner in the post of Nurse with effect from her initial date of appointment on 18.09.2015 with all consequential service and monetary benefits.

Prayer in W.P.No.8458 of 2022 : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to retrospectively regularize the service of the petitioner in the post of Nurse with effect from her initial date of appointment on 23.09.2016 with all consequential service and monetary benefits.

In all Writ Petitions

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mrs.S.Anitha
Special Government Pleader

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 retrospectively regularize the service of the petitioners in the post of Nurse with effect from their initial date of appointment 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. Thereafter, the respondent absorbed the petitioners in regular time scale of pay, by issuing order in the year 2018, 2019 and 2021, and regularized their service in the post of Nurse.

5. According to the petitioners, their initial appointment as Nurse on contract and consolidated Pay basis was made through the Recruitment Examination conducted by the Tamil Nadu Medical Subordinate Service and their post is a sanctioned post. Further, they possessed requisite educational qualifications to hold the post of Nurse and hence, their service to be regularized from the date of their initial appointment made in the year 2015. The petitioners made their representations to the respondents, but the same was not considered by the respondents. Hence, this writ petition.

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.

7. In view 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.

8. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

mst



To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.
- 2.The Director of Medical and Rural Health Services,
DMS Campus, Teynampet,
Chennai - 600 006.
- 3.The Joint Director of Medical and Rural Health Services,
Government Hospital Building,
Kottar, Nagercoil - 629 002.
Kanyakumari District.
- 4.The Deputy Director of Health Services,
No.13A, Ottakoothar Street,
Mamallan Nagar,
Kancheepuram
- 5.The Medical Superintendent,
Government Headquarters Hospital,
Kancheepuram
- 6.The Director & Hospital Superintendent,
Institute of Obstetrics & Gynaecology and
Government Hospital for Women & Children,
No.2, Pantheon Road, Egmore,
Chennai 600 008

+1cc to Mr.R.Prem Narayan, Advocate Sr.No.24767

+1cc to the Government Pleader Sr.No.24525

W.P.No.8447, 8453, 8456, 8458 of 2022

SS(CO)
RVM(06/05/2022)