



WEB COPY



W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

- | | |
|-------------------|---------------------------------------|
| 1.Lavanya.S | ... Petitioner in W.P.No.9477 of 2021 |
| 2.Sujatha.R | ... Petitioner in W.P.No.9481 of 2021 |
| 3.Chandrakala K.S | ... Petitioner in W.P.No.9482 of 2021 |
| 4.Indira.K | ... Petitioner in W.P.No.9486 of 2021 |
| 5.Parimala.R | ... Petitioner in W.P.No.9487 of 2021 |

Vs.

- 1.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Fort St.George, Chennai 600 001.
- 2.The Director,
Medical and Rural Health Services,
Chennai 600 006.
- 3.The Member Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai 600 008.



W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

... Respondents in all W.Ps

Prayer in W.P.No.9477 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to regularise the appointment of the petitioner with effect from 19.09.2015 being the date of initial appointment with all pay and service benefits pursuant to the representation of the petitioner dated 24.02.2021.

Prayer in W.P.No.9481 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to regularise the appointment of the petitioner with effect from 21.08.2015 being the date of initial appointment with all pay and service benefits pursuant to the representation of the petitioner dated 26.02.2021.

Prayer in W.P.No.9482 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to regularise the appointment of the petitioner with effect from 16.09.2015 being the date of initial appointment with all pay and service benefits pursuant to the representation of the petitioner dated 23.02.2021.

Prayer in W.P.No.9486 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to regularise the appointment of the petitioner with effect from 19.09.2015 being the date of initial appointment with all pay and service benefits pursuant to the representation of the petitioner dated 03.03.2021.



W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

Prayer in W.P.No.9487 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to regularise the appointment of the petitioner with effect from 21.08.2015 being the date of initial appointment with all pay and service benefits pursuant to the representation of the petitioner dated 08.02.2021.

In all W.Ps.

For Petitioners : Ms.Tanya Jenitha for
Mr.P.Puhazh Gandhi

For Respondents : Mr.E.Sundaram, GA for R1 & R2
Mr.L.Murugavel for R3

COMMON ORDER

These Writ Petitions have been filed for the issuance of a Writ of Mandamus, to direct the first and second respondents to regularise the appointment of the petitioners with effect from the date of initial appointment with all pay and service benefits pursuant to the representations of the petitioners.

2. Heard Ms.Tanya Jenitha, learned counsel for the petitioners, Mr.E.Sundaram, learned Government Advocate for R1 & R2 and Mr.L.Murugavel, learned counsel for R3 in all Writ Petitions.



W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

WEB COPY

3. The petitioners were appointed as Staff Nurses with the Department of second respondent after having participated in the selection process and by getting the appointment orders on 19.09.2015, 21.08.2015, 16.09.2015 respectively on consolidated pay. The petitioners' services were regularised during the years 2018 to 2020. But the claim of the petitioners is that they are eligible to be regularised from the date of their initial appointment and not from the date of issuance of the order.

4. It is admitted by the respondents that the services of the Nurses would be regularised from the date in which they have joined duty after they got absorbed in the regular time scale of pay. The learned counsel for the petitioners is not able to say from when onwards the petitioners have got the time scale of pay.

5. However, it is seen from the order of regularisation of the petitioners that the petitioners have been absorbed into regular time scale only from the date of issuance of the order for regularisation. Since the



W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

rules of regularisation state that the petitioners will be regularised only from the date in which they were absorbed in the time scale of pay, the petitioners cannot seek regularisation from the date of their initial appointment.

6. In view of the above stated reasons, these Writ Petitions are dismissed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

12.03.2024



WEB COPY



W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

R.N.MANJULA, J.

gsk

To

1.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Fort St.George, Chennai 600 001.

2.The Director,
Medical and Rural Health Services,
Chennai 600 006.

W.P.Nos.9477, 9481, 9482, 9486 & 9487 of 2021

3.The Member Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai 600 008.

12.03.2024