



CMP(MD) No.6933 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR  
and  
The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.M.P.(MD)Nos.6933, 6934, 6938, 6939, 6943 & 6945 of 2022  
in  
WA(MD)SR.Nos.43193 to 43198 of 2022

1 THE STATE OF TAMIL NADU,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
FORT.ST.GEORGE, CHENNAI-9.

2 THE STATE OF TAMIL NADU,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF FINANCE (PENSION),  
FORT ST.GEORGE,CHENNAI-9.

3 THE DIRECTOR OF MEDICAL EDUCATION,  
DIRECTORATE OF MEDICAL EDUCATION,  
162,POONAMALLE HIGH ROAD,KILPAUK,CHENNAI-10.

4 THE DIRECTOR OF MEDICAL AND RURAL HEALTH SERVICES,  
CHENNAI-6. ... PETITIONERS/ APPELLANTS  
IN ALL THE PETIITONS

5 THE CHIEF MEDICAL OFFICER  
GOVERNMENT HOSPITAL,  
RAMESWARAM,  
RAMANATHAPURAM DISTRICT.

... PETITIONERS/ APPELLANTS  
IN CMP(MD).6933/ 2022



CMP(MD) No.6933 of 2022

5 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT HOSPITAL,  
BATALAGUNDU, DINDIGUL DISTRICT.

6 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL.

... PETITIONER/ APPELLANT  
IN CMP(MD).6934/ 2022

5 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT RSRM LYING IN HOSPITAL,  
CHENNAI.

6 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL.

... PETITIONERS/ APPELLANTS  
IN CMP(MD).6938/ 2022

5 THE BLOCK MEDICAL OFFICER,  
GOVERNMENT PRIMARY HEALTH CENTRE,  
POONTHOTTAM, THIRUVARUR DISTRICT.

6 THE MEDICAL OFFICER,  
GOVERNMENT THENI MEDICAL COLLEGE HOSPITAL,  
THENI.

... PETITIONERS/ APPELLANTS  
IN CMP(MD).6939/ 2022

5 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT ANNAL GANDHI MEMORIAL HOSPITAL,  
TRICHY.

6 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL.

... PETITIONERS/ APPELLANTS  
IN CMP(MD).6943/ 2022



CMP(MD) No.6933 of 2022

5 THE BLOCK MEDICAL OFFICER,  
GOVERNMENT PRIMARY HEALTH CENTRE,  
ALATHAMBADI, THIRUVARUR DISTRICT.

6 THE MEDICAL OFFICER,  
GOVERNMENT THENI MEDICAL COLLEGE HOSPITAL,  
THENI, THENI DISTRICT. ... PETITIONERS/ APPELLANTS  
IN CMP(MD).6945/2022

Vs

T. NAGARANI  
STAFF NURSE,  
GOVERNMENT HOSPITAL,  
RAMESWARAM,  
RAMANATHAPURAM DISTRICT. ... RESPONDENT/RESPONDENT  
IN CMP(MD).6933/2022

S.JANSIRANI,  
STAFF NURSE,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL. ... RESPONDENT/RESPONDENT  
IN CMP(MD).6934/2022

A.MUTHU RAKKU,  
STAFF NURSE,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL. ... RESPONDENT/RESPONDENT  
IN CMP(MD).6938/2022

C.RANJITHAM,  
STAFF NURSE,  
GOVERNMENT THENI MEDICAL COLLEGE HOSPITAL,  
THENI, THENI DISTRICT. ... RESPONDENT/RESPONDENT  
IN CMP(MD).6939/2022



**CMP(MD) No.6933 of 2022**

M.SAKTHIVENI,  
STAFF NURSE,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL.

... RESPONDENT/RESPONDENT  
IN CMP(MD).6943/2022

R.YASOTHA,  
STAFF NURSE,  
GOVERNMENT THENI MEDICAL COLLEGE HOSPITAL,  
THENI, THENI DISTRICT.

... RESPONDENT/RESPONDENT  
IN CMP(MD).6945/2022

**PRAYER IN CMP(MD).6933/2022:**

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1105 days in filing the above writ appeal against the common order dated 24-04-2019 made in WP(MD).No.9846 of 2019 and thus render justice.

**PRAYER IN WA(MD).SR.43193/2022:**

Pleased to set aside the common order dated 24.04.2019 in WP(MD)No.9846 of 2019 and allow this Writ Appeal.

**Prayer in WP(MD). 9846/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 25.01.2002 on contract basis in the 5th respondent Govt. Hospital, Rameswaram, Ramnad District, including the petitioners subsequent absorbing as regular Staff Nurse in the Govt. Hospital, pudhukottai on 25.03.2005 and subsequent entire service periods till her retirement.

**PRAYER IN CMP(MD). 6934/ 2022 :**

To condone the delay of 1105 days in filing the above writ appeal against the common order dated 24-04-2019 made in WP(MD).No.9847 of 2019 and thus render justice.



**CMP(MD) No.6933 of 2022**

PRAYER IN WA(MD).SR.43194/2022:

Pleaded to set aside the common order dated 24.04.2019 in WP(MD)No.9847 of 2019 and allow this Writ Appeal.

Prayer in WP(MD). 9847/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 01.02.2002 as Temporary Appointment on contract basis in the 5th respondent Govt. Hospital, Batalagundu, Dindigul District, including the petitioners subsequent absorption as regular Staff Nurse in the Govt. Hospital, Pollachi, Coimbatore District on 30.03.2005 and subsequent entire service periods till her retirement.

PRAYER IN CMP(MD). 6938/ 2022 :

To condone the delay of 1155 days in filing the above writ appeal against the common order dated 24-04-2019 made in WP(MD).No.9848 of 2019 and thus render justice.

PRAYER IN WA(MD).SR.43195/2022:

Pleaded to set aside the common order dated 24.04.2019 in WP(MD)No.9848 of 2019 and allow this Writ Appeal.

Prayer in WP(MD). 9848/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 25.01.2002 as Temporary Appointment on contract basis in the 5th respondent Govt. RSRM LYING IN Hospital, Chennai including the petitioners subsequent absorption as regular Staff Nurse in the Govt. Hospital, Chennai on 17.11.2004 and subsequent entire service periods till her retirement.

PRAYER IN CMP(MD). 6939/ 2022 :

To condone the delay of 1155 days in filing the above writ appeal against the common order dated 24-04-2019 made in WP(MD).No.9849 of 2019 and thus render justice.



**CMP(MD) No.6933 of 2022**

**PRAYER IN WA(MD).SR.43196/2022:**

Pleaded to set aside the common order dated 24.04.2019 in WP(MD)No.9849 of 2019 and allow this Writ Appeal.

**Prayer in WP(MD). 9849/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 02.09.2002 as Temporary Appointment on contract basis in the 5th respondent Govt. Primary Health Centre, Poonthottam, Thiruvarur District including the petitioners subsequent absorption as regular Staff Nurse in the Govt. Theni Medical College Hospital Theni, Theni Dt on 01.09.2006 and subsequent entire service periods till her retirement.

**PRAYER IN CMP(MD). 6943/ 2022 :**

To condone the delay of 1155 days in filing the above writ appeal against the common order dated 24-04-2019 made in WP(MD).No.9850 of 2019 and thus render justice.

**PRAYER IN WA(MD).SR.43197/2022:**

Pleaded to set aside the common order dated 24.04.2019 in WP(MD)No.9850 of 2019 and allow this Writ Appeal.

**Prayer in WP(MD). 9850/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 04.03.2002 as Temporary Appointment on contract basis in the 5th respondent Govt. Annal Gandhi Memorial Hospital, Trichy including the petitioners subsequent absorption as regular Staff Nurse in the Govt. Stanley Medical College Hospital Chennai on 31.03.2005 and subsequent entire service periods till her retirement.

**PRAYER IN CMP(MD). 6945/ 2022 :**

To condone the delay of 1105 days in filing the above writ appeal against the common order dated 24-04-2019 made in WP(MD).No.9851 of 2019 and thus render justice.



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**PRAYER IN WA(MD).SR.43198/2022:**

Pleaded to set aside the common order dated 24.04.2019 in WP(MD)No.9851 of 2019 and allow this Writ Appeal.

**Prayer in WP(MD). 9851/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Staff Nurse on 02.09.2002 as Temporary Appointment on contract basis in the 5th respondent Govt.Primary Health Centre, Alathambadi, Thiruvarur District including the petitioners subsequent absorption as regular Staff Nurse in the Govt. Theni Medical College Hospital, Theni, Theni District on 01.09.2006 and subsequent entire service periods till her retirement.

**ORDER :** This Civil Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.T.AMJADKHAN, Government Advocate for the petitioners in all the Petitions, the court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR, J.)

These petitions are filed to condone the delay of 1105, 1105, 1155, 1155, 1155 and 1105 days in filing the W.A.SR.(MD)Nos.43193 to 43198 of 2022.

2.The learned Government Advocate appearing for the appellants would submit that the issue involved in these petitions is covered by the decision of the Full Bench of this Court in the case of Government of Tamil Nadu Vs. R.Kaliyamoorthi, reported in 2019 (6) CTC 705 and following the said judgment, this Court allowed the appeal filed by the Government in W.A.(MD)No.388 of 2021 etc., batch, vide order dated 13.12.2023.

3.In view of the aforesaid submission, though normally we are not inclined



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to condone such inordinate delay, considering the reasons stated in the affidavit and since the issue involved in this matter is covered by the decision of the Full Bench of this Court, we are inclined to condone the delay on payment of cost. Therefore, the delay is condoned and these petitions are allowed on payment of Rs.5,000/- (Rupees Five Thousand Only) in each cases to the credit of the Environmental Fund Operated by Member Secretary, Tamil Nadu State Legal Services Authority [Account No.6656485009; IFSC Code: IDIB000H040, High Court Branch, Chennai] on or before 21.02.2024. It is for the appellants to recover the said amount from the erring officials, who are responsible for such inordinate delay in filing the appeals.

4.Post the matter on 21.02.2024 for reporting compliance.

sd/-  
14/02/2024

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20/02/2024  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

YUVA  
TO  
1 THE SECRETARY,  
STATE OF TAMIL NADU,  
DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
FORT.ST.GEORGE, CHENNAI-9.

2 THE SECRETARY,  
STATE OF TAMIL NADU,  
DEPARTMENT OF FINANCE (PENSION),  
FORT ST GEORGE, CHENNAI-9.

<https://www.jmc.tn.gov.in/judis>



CMP(MD) No.6933 of 2022

3 THE DIRECTOR OF MEDICAL EDUCATION,  
DIRECTORATE OF MEDICAL EDUCATION,  
162, POONAMALLE HIGH ROAD, KILPAUK, CHENNAI-10.

4 THE DIRECTOR OF MEDICAL AND RURAL HEALTH SERVICES,  
CHENNAI-6.

5 THE CHIEF MEDICAL OFFICER  
GOVERNMENT HOSPITAL,  
RAMESWARAM, RAMANATHAPURAM DISTRICT.

6 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT HOSPITAL,  
BATLAGUNDU, DINDIGUL DISTRICT.

7 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT HEADQUARTERS HOSPITAL,  
DINDIGUL.

8 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT RSRM LYING IN HOSPITAL,  
CHENNAI.

9 THE BLOCK MEDICAL OFFICER,  
GOVERNMENT PRIMARY HEALTH CENTRE,  
POONTHOTTAM, THIRUVARUR DISTRICT.

10 THE MEDICAL OFFICER,  
GOVERNMENT THENI MEDICAL COLLEGE HOSPITAL,  
THENI.

11 THE CHIEF MEDICAL OFFICER,  
GOVERNMENT ANNAL GANDHI MEMORIAL HOSPITAL,  
TRICHY.

12 THE BLOCK MEDICAL OFFICER,  
GOVERNMENT PRIMARY HEALTH CENTRE,  
ALATHAMBADI, THIRUVARUR DISTRICT.

<https://www.mmc.tn.gov.in/judis>



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THE ENVIRONMENTAL FUND OPERATED BY MEMBER SECRETARY,  
TAMIL NADU STATE LEGAL SERVICES AUTHORITY  
CHENNAI.

ORDER  
IN  
C.M.P.(MD)Nos.6933, 6934, 6938, 6939, 6943 & 6945 of 2022  
in  
WA(MD)SR.Nos.43193 to 43198 of 2022  
Date :14/02/2024

SA/SAR. /20.02.2024/10P/14C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.