



W.P.No.2019 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.2019 of 2017

1.Sivasandiran
2.G.Hemalatha
3.I.Rajeswari
4.Mery Prathiba
5.Parameswari
6.Mahalakshmi
7.Dhanalakshmi

...Petitioners

Vs.

1.The Union of India
Rep.by the Secretary to Government (Health)
Government of Puducherry
Puducherry.

2.The Director
Department of Health & Family Welfare Services
Government of Puducherry
Puducherry.

3.The Dean
Mahatma Gandhi Postgraduate Institute of Dental Sciences
Government of Puducherry Instn
Gorimedu, Pondicherry.

4.The Under Secretary to Govt. (Health)
Government of Puducherry
Chief Secretariat (Health)
Puducherry.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records passed by the 4th respondent in order No.47/CS/Health/H7/2016 dated 04.03.2016, quash the same and consequently direct the respondent to implement the G.O.Ms.No.7 dated 25.01.2012 which contemplates for stepping up of pay of the Senior Staff Nurses of the Health Department to the petitioners within the time frame and further direct the respondents to pay difference in pay arrears to the petitioners with effect from date of joining of the petitioners to till date along with reasonable interest and to pass. **(PRAYER AMENDED VIDE ORDER DATED 16.02.2026 MADE IN WMP.53255/2025 in WP.2019/2017).**

For Petitioners : Mr.P.Sudagar

For Respondents : Mrs.Sharada Vivek
Additional Government Pleader
(Pondicherry)

ORDER

The challenge in this Writ Petition is to the order dated 04.03.2016 bearing No.47/CS/Health/H7/2016 issued by the first respondent, whereby the claim of the petitioners, who were working as Staff Nurses, for extension of pay scale on par with the Staff Nurses working in the Government Health Department, came to be rejected.



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2. The Government issued a recruitment notification dated 26.09.2003 inviting applications for appointment to the post of Staff Nurses in the Department of Health & Family Welfare Services, Government of Puducherry. Out of 31 posts notified, six posts were to be filled in Mahatma Gandhi Dental College and Hospital, Puducherry. The notification specified the pay scale attached to the post of Staff Nurses as Rs.5000-150-8000 (total emoluments including allowances being Rs.10,265/-). The petitioners submitted their applications pursuant to the said notification and subsequently exercised their option for selection/appointment as Staff Nurses in Mahatma Gandhi Dental College and Hospital, Puducherry. Being eligible and qualified, they were selected and appointed as Staff Nurses in the said institution.

3. While serving as Staff Nurses in Mahatma Gandhi Dental College and Hospital, Puducherry, the petitioners made repeated representations to the respondents seeking rectification of the anomaly in fixation of their pay, contending that the pay scale of Staff Nurses working in the Department of Health & Family Welfare Services was higher than that extended to them, though they were recruited under the same notification, possessed identical qualifications and discharged similar duties. As the representations were not



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considered, the petitioners approached this Court in W.P. No.39929 of 2015. By

order dated 18.12.2015, this Court directed the respondents to consider the representation on its own merits and in accordance with law. Pursuant thereto, the first respondent passed the impugned order rejecting their claim.

4. Mr.P.Sudagar, learned counsel for the petitioners, submitted that the petitioners were appointed pursuant to a common recruitment notification issued by the Government, which also provided for selection and appointment to the post of Staff Nurses in the Department of Health & Family Welfare Services, Government of Puducherry. He contended that not only the Recruitment Rules but also the service conditions applicable to the Government Department had been adopted by the second respondent. Therefore, the refusal to extend the pay scale applicable to Staff Nurses in the Government Health Department to those working in Mahatma Gandhi Dental College and Hospital, Puducherry, is arbitrary, discriminatory and legally unsustainable.

5. In response, Mrs.Sharada Vivek, learned State Counsel, submitted that at the time of appointment, the petitioners had categorically accepted the condition that they would not be reconsidered for appointment as Staff Nurses in Health Institutions under the Health Department and that the allotment made



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would be final. It was also stipulated that they would be governed by the Rules and Regulations of Mahatma Gandhi Dental College and Hospital, Puducherry.

Having accepted the said conditions without any demur, the petitioners cannot subsequently claim pay parity with Staff Nurses working in the Department of Health & Family Welfare Services, Government of Puducherry. Therefore, according to her, the denial of pay parity is just and proper and does not warrant interference.

6. In support of her contentions, the learned State Counsel placed reliance on the following judgments:

(i) *Pipmate Integrated Staff Welfare Association and others v. The Chief Secretary, Government of Puducherry and others, in W.P. No.34295 of 2017*; (ii) *The Secretary to Government (Agriculture), Government of Union Territory of Puducherry, Puducherry and Ors. Vs. Dr.D.Adiroubane and Ors in Writ Appeal No.1264 of 2019*; (iii) *The State of Maharashtra & Ors. v. Sudhakar Namdeo Gaikwad & Ors.*, reported in 2022 LiveLaw (SC) 28; and (iv) *State of Orissa & Anr. v. Orissa Khadi and Village Industries Board Karmachari Sangh & Anr.*, reported in 2023 LiveLaw (SC) 214.



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7. The submissions made by the learned counsel appearing on either side, as well as the materials available on record, have been carefully considered by this Court.

8. A common recruitment notification was issued by the Government for appointment to 31 posts of Staff Nurses, out of which six posts were earmarked to be filled in Mahatma Gandhi Dental College and Hospital, Puducherry. The petitioners participated in the said selection process pursuant to the common notification and, upon being found eligible, exercised their option to be selected and appointed as Staff Nurses in Mahatma Gandhi Dental College and Hospital, Puducherry.

9. The petitioners were thereafter issued appointment orders, wherein it was specifically stated that they would draw a scale of pay of Rs.5000-150-8000/- together with usual allowances as admissible under the Rules and Orders in force from time to time. Subsequently, on noticing an anomaly in the matter of pay fixation, particularly in comparison with the Staff Nurses appointed under the same notification but posted in the Department of Health & Family Welfare Services, the petitioners made several representations to the Government seeking rectification of the anomaly and grant of pay parity.



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10. It is not in dispute that the petitioners were appointed pursuant to the very same common recruitment notification. The petitioners have placed material on record to demonstrate that, as on 26.11.2025, their basic pay stands at Rs.75,600/-, whereas the basic pay of Staff Nurses working in the Department of Health & Family Welfare Services is Rs.87,700/-. The petitioners possess identical educational qualifications, were recruited through the same selection process, and discharge substantially similar duties and responsibilities.

11. The respondent contends that the institution is an autonomous body and, therefore, the petitioners cannot claim pay parity with the Staff Nurses working in the Health Department. However, no material has been placed on record to show that the service conditions of the institution specifically provide for a different pay scale from that applicable to the Staff Nurses in the Health Department. In the absence of any statutory provision, rule, or regulation prescribing a separate pay structure, the mere plea of autonomy cannot defeat a legitimate claim for pay parity, especially when the common recruitment notification provided for a similar pay scale. In such circumstances, the contention of the respondent that the petitioners are not entitled to pay parity is



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misconceived and legally unsustainable.

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12. In such circumstances, they are similarly situated and are entitled to equal treatment in matters of pay and service conditions. Once it is established that the petitioners and the Staff Nurses in the Health Department form a homogeneous class, denial of pay parity would amount to hostile discrimination and would offend the principles of equality enshrined under Articles 14 and 16 of the Constitution of India. Therefore, the refusal to grant pay parity to the petitioners is arbitrary, discriminatory and legally unsustainable.

13. In the result, this Writ Petition is allowed. The impugned order dated 04.03.2016 bearing No.47/CS/Health/H7/2016 passed by the first respondent is hereby set aside.

14. The respondents are directed to extend to the petitioners the pay scale applicable to the Staff Nurses working in the Department of Health & Family Welfare Services, Government of Puducherry. The petitioners shall be entitled to arrears of salary with effect from 18.12.2015, being the date on which this Court passed orders in W.P. No.39929 of 2015 directing consideration of their representation. However, the petitioners shall not be entitled to arrears for the



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period from the date of their initial appointment till 18.12.2015. The aforesaid

exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
dna

To

1.The Secretary to Government (Health)
Government of Puducherry
Puducherry.

2.The Director
Department of Health & Family Welfare Services
Government of Puducherry
Puducherry.

3.The Dean
Mahatma Gandhi Postgraduate Institute of Dental Sciences
Government of Puducherry Instn.
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4.The Under Secretary to Govt. (Health)
Government of Puducherry
Chief Secretariat (Health)
Puducherry.



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HEMANT CHANDANGOUDAR.J.,

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