

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 7.10.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31695 of 2015

Dr. V. Senthilnayagam

Petitioner

vs.

1 Secretary  
Health & Family Welfare Department  
Fort St. George Chennai - 600 009

2 Secretary  
Rural Development and Panchayat  
Department  
Fort St. George  
Chennai - 600 009

3 The Commissioner  
Rural Development and Panchayat  
Department  
Panagal Palace Saidapet  
Chennai - 600 015

4 The Assistant Director  
Panchayat Union Pension  
Local Funds Accounts  
Kuralagam Chennai - 600 108

5 The Commissioner  
Panchayat Union  
Kurinchipadi Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent to fix the revised scale of pay in the light of the G.O.Ms. No.234 Finance Dept. dated 1.6.2009, consequent G.O.Ms. No. 354 dated 23.10.2009 by the 1st respondent, accordingly grant all pensionary benefits to the petitioner.

For Petitioner : Mr.S.P.Sudalaiyandi

For RR 1 to 4 : Mr.V.Subbiah, Special Govt. Pleader

For R5 : Mr.N.Srinivasan, Additional Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner joined as Medical Officer in the Panchayat Union Dispensary on 2.9.1985 under the services of the fifth respondent and retired from service on attaining the age of superannuation, on 30.4.2015 after successful 35 years of service without any remarks.

3. It is stated by the petitioner that a number of Panchayat Union Dispensaries were started by the Government to cater the needs of rural poor, who unable to access the specialized medical facilities and during the year 1989-1990, the Government took a policy decision to upgrade such Panchayat Union Dispensaries as Primary Health Care Centers and thereafter, they will come under the control of the Director of Primary Health Centers. Under this policy, about 84 Panchayat Union Dispensaries were converted into Primary Health Centers. However, 25 Panchayat Union Dispensaries still continue to be in existence, in which the petitioner and others were working as Medical Officers. Sometime thereafter, the Government of Tamil Nadu passed G.O.Ms.No.354 Health and Family Welfare (B2) Department dated 23.10.2009 taking into consideration the demand made by the association as well as the recommendation made by the Committee constituted for that purpose, fixing the eligibility for time bound promotion alongwith pay hike for doctors working under the auspices of Director of Medical and Rural Health Services, Director of Public Health and Preventive Medicine and Director of Medical Education and it has been indicated in the said order that "all the doctors working in hospitals, dispensaries and primary health care centers in the State who do not come under Director of Medical Education side are considered as one unit for the purpose of this order" and some other benefits were also conferred with. Subsequently, vide G.O.Ms.No.583 dated 26.11.2010, the scale of pay was also revised. So also G.O.Ms.No.354 dated 23.10.2009, in and by which the revision of scale of pay was given to Medical Officers working in Corporation and Municipality. Some of the persons, who are similarly placed like that of the petitioner have filed W.P.No.18039 of 2011 and this court, by order dated 29.10.2013, has held that the petitioners therein are also entitled to the revised scale of pay on par with the similarly placed persons and therefore, the respondents were directed to fix the revised scale of pay in the light of G.O.Ms.No.234 Finance (PC) Department dated 1.6.2009 and G.O.Ms.No.354 Health and Family Welfare (B2) Department dated 23.10.2009 within a stipulated time. The said order has also been implemented vide G.O.Ms.No.47 dated 2.5.2014 and hence, the petitioner came forward to file the present writ petition.

4. Learned counsel appearing for the petitioner would submit that the Director of Local Fund Audit has sent a communication dated 14.9.2015 returning the proposal on the ground that the name of the petitioner has not been included in the above said Government Orders and would submit that in the light of the orders passed by this court, which was also implemented by the above said G.O., the petitioner may be conferred with

the same benefit.

5. The court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for respondents 1 to 4 and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice for the fifth respondent.

6. Though the petitioner has prayed for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the case, this court permits the petitioner to submit a detailed representation to respondents 1 to 4 within a period of two weeks from the date of receipt of copy of this order and respondents 1 to 4, on receipt of such representation, are directed to consider the same on merits and in accordance with law, after taking into consideration G.O.Ms.No.47 of the second respondent dated 2.5.2014 and pass orders within a period of eight weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioner.

7. The writ petition is disposed of accordingly. No costs.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

ssk.

To

1 The Secretary,  
Health & Family Welfare Department,  
Fort St. George, Chennai - 600 009

2 The Secretary ,  
Rural Development and Panchayat  
Department,  
Fort St. George,  
Chennai - 600 009

3 The Commissioner,  
Rural Development and Panchayat ,  
Department ,  
Panagal Palace, Saidapet,  
Chennai - 600 015

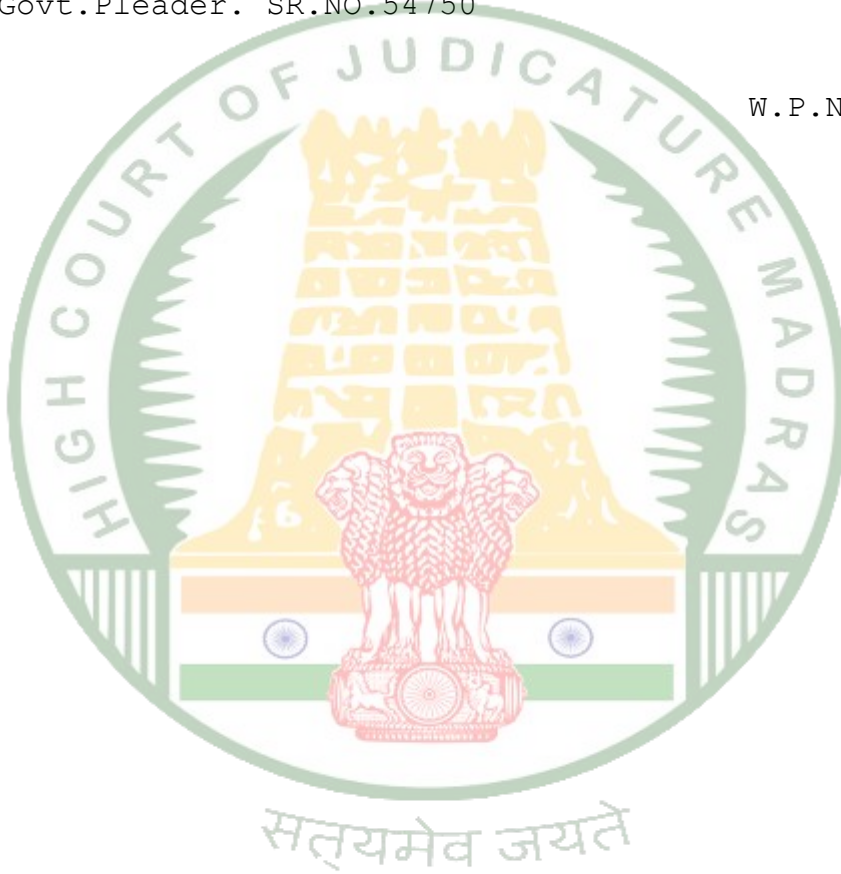
4 The Assistant Director,  
Panchayat Union Pension  
Local Funds Accounts,  
Kuralagam , Chennai - 600 108

5 The Commissioner,  
Panchayat Union ,  
Kurinchipadi , Cuddalore District.

+1 CC to Mr.S.P.Sudalaiyandi Advocate. SR.NO.54851  
+1 CC to Govt.Pleader. SR.NO.54750

W.P.No.31695 of 2015

CO-UG  
JD 13/10/2015



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