

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34294 of 2015

Dr.K.Rajendran

... Petitioner

Vs.

- 1 State of Tamilnadu
represented by its Secretary,
Rural Development and Panchayat Department,
Fort St.George,
Chennai 600 009.
- 2 The Commissioner,
Rural Development and Panchayat Department,
Panagal Palace,
Saidapet, Chennai 600 015.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to fix the revised scale of pay in the light of the G.O. Ms.No.354 Health and Family Welfare Department, dated 23.10.2009 and in G.O.Ms. No.103 dated 17.07.2015 and G.O.Ms.No.126 dated 21.09.2015 issued by the first respondent herein.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.N.Srinivasan

Additional Government Pleader

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O R D E R

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

2.The petitioner would state that he was appointed as the Medical Officer in Panchayat Union Regular Dispensary at Pangipettai Union, Cuddalore District on 02.12.1989 and subsequently in terms of the Government Orders, Medical Officer working at the hospitals in Panchayat Union have been merged with the regular Government Hospital and accordingly, the petitioner is now working as Chief Civil Surgeon in the Primary Health Centre at Thondamanatham, Cuddalore District from 01.05.2015. The petitioner was originally working under the Commissioner of Rural Development and during the year 1989-1990, the Government took a policy decision to upgrade Panchayat Union Dispensaries as Primary Health Centres and accordingly, 84 such dispensaries were converted into Primary Health Centres and however other 25 Panchayat Union Dispensaries, continued to be in existence upto 30.04.2015.

3.It is further stated by the petitioner that the first respondent in the Health and Family Welfare Department has issued G.O.Ms.No.354, dated 23.10.2009 fixing eligibility for time bound promotion along with pay hike for Doctors working under the auspices of Directorate of Medical and Rural Health Services, Director of Public Health and Preventive Medicine and Director of Medical Education and however, the benefit of the said Government Order has not been extended to the petitioner and some of the Doctors aggrieved by the same has filed W.P.No.18039 of 2011 and this Court has passed the positive order and it was also implemented by the first respondent in G.O.Ms.No.234, dated 01.06.2009 and G.O.Ms.No.354, dated 23.10.2009 and since the petitioner is similarly placed, he came forward to file this writ petition.

4.Heard the submissions of Mr.S.P.Sudalaiyandi, the learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit a representation to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order by enclosing a copy of this order and the respondents 1 and 2 on receipt of the same, is directed to consider and dispose of the same on merits and in accordance with law after taking note of the above stated Government Orders and pass orders within a period of eight weeks thereafter and

communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Secretary,
State of TamilNadu,
Rural Development and Panchayat Department,
Fort St.George,
Chennai 600 009.
- 2 The Commissioner,
Rural Development and Panchayat Department,
Panagal Palace,
Saidapet, Chennai 600 015.

+1cc to Government Pleader Sr.58758

+1cc to Mr.S.P.Sudalaiyandi, Advocate Sr.58663

W.P.No.34294 of 2015

sv[col]
srg 3/11/2015

सत्यमेव जयते

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