

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35399 of 2015

Dr.T.Arunachalam

.. Petitioner

vs.

1.The State of Tamil Nadu 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.

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

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to fix the revised scale of pay in the light of G.O.Ms.No.234, Finance Department, dated 1.6.2009, consequent to 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 and accordingly, grant all pensionary benefits to the petitioner herein.

For petitioner : Mr.S.P.Sudalaiyandi

For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed seeking for a Writ of Mandamus to direct the first respondent herein to fix the revised scale of pay in the light of G.O.Ms.No.234, Finance Department, dated 1.6.2009.

3. According to the petitioner, he was appointed as Medical Officer in Panchayat Union Regular Dispensary (Allopathic Full Time) at Panchayat Union Dispensary, Thamarasavalli, Dharmanur Union, Ariyalur District, on 31.10.1984 and after completion of 25 years of service, the petitioner retired on 21.12.2009 on attaining the age of superannuation. Panchayat Union Dispensaries are functioning under the control of the Commissioner of Rural Development/the second respondent herein. While so, the Tamil Nadu Government Doctor's Association gave a representation seeking to provide Dynamic Assured Career Progression (DACP) to the Government Doctors, due to lack of adequate promotional opportunities. Based on their representation and the recommendation of the VI Pay Commission,, the Government issued G.O.Ms.No.234 dated 1.6.2009 to revise the scale of pay and allowances to all the Doctors working in Hospitals, Dispensaries and Primary Health Centres in State. Since the first respondent refused to grant the benefit of G.O.Ms.No.234 dated 1.6.2009 stating that the G.O. is applicable only to the Doctors working in the Government Hospital, as many as 15 Medical Officers working in the Panchayat Union Dispensaries filed a Writ Petition in W.P.No.18039 of 2011 seeking for a direction to the respondents to revise the scale of pay and that Writ Petition was allowed granting the relief sought for. Thereafter, the first respondent issued two GOs, namely, G.O.Ms.No.103, dated 17.07.2015 and G.O.Ms.No.126, dated 21.09.2015, however, the benefit is not extended to the petitioner. Hence, the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Considering the facts and circumstances of the case, and following the earlier order of this Court dated 15.10.2015 passed in W.P.No.25855 of 2012, this Court permits the petitioner to submit a representation to the first respondent by enclosing a copy of this order as well as G.O.Ms.Nos.354, Health and Family Welfare Department dated 23.10.2009, G.O.Ms.No.103, Rural Development and Panchayat Raj Department, dated 17.7.2015 and G.O.Ms.No.126, Rural Development and Panchayat Raj (E5) Department, dated 21.09.2015, within a period of two weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law, in the

light of the above said Government Orders, and pass appropriate orders within a period of twelve weeks thereafter and communicate the decision taken by him to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

asvm

To

- 1.The Secretary,
The State of Tamil Nadu
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.
- 3.The Assistant Director,
Panchayat Union Pension,
Local Funds Accounts,
Kuralagam, Chennai - 600 108.

+1 CC to MR.S.P.Sudalaiyandi Advocate. SR.NO. 60379
+1 CC to Govt.Pleader. SR.NO. 60719

W.P.No.35399 of 2015

WEB COPY

CO-UG
JD 19/11/2015