

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.6023 of 2013

Doctors' Association for Social Equality,
Rep. By its General Secretary,
Dr.G.R.Ravindranath. .. Petitioner

-vs-

- 1.Principal Secretary to Government,
Govt. of Tamil Nadu, Health & Family
Welfare Department (L.1),
Fort St. George, Chennai 600 009.
- 2.Director,
Directorate of Medical & Rural Health
Services, DMS Complex, No.359,
Anna Salai, Teynampet, Chennai 600006.
- 3.Director
Directorate of Public Health & Preventive
Medicines, DMS Complex, No.359,
Anna Salai, Teynampet, Chennai 600006. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in G.O.Ms.No.265, dated 30.08.2012 and quash the same in so far as the same insisting that the medical officers employed in Primary Health Centres and upgraded Primary Health Centres and Government Hospitals should work for 24 hours continuously and consequently direct the respondent authorities to provide eight hours duty with shift system to the medical officers working in primary health centres, and upgraded primary health centres and Government hospitals stay in duty in the State of Tamil Nadu.

For Petitioner : Mr.S.Thankasivan
For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, Doctors' Association for Social Equality, has filed the present writ petition as a public interest litigation seeking to assail G.O.Ms.No.265, Health and Family Welfare (L.1) Department, dated 30.08.2012 stipulating the timings for the medical officers employed in the primary health centres and upgraded primary health centres and Government hospitals, as it is alleged that the same amounted to almost a 24 hour duty chart.

2.The affidavit filed by the respondents affirmed on 06.11.2013 seeks to suggest that there was shortage of doctors and process has been completed for recruitment of more doctors, which would lead to reduction and work load of existing doctors.

3.What is most relevant is that learned Government Pleader has produced the G.Os. issued in this behalf, wherein the earlier G.O. (Ms.) No.339, dated 14.10.2009 provided for a shift basis of medical duty. However, this was superseded by the impugned G.O. dated 30.08.2012 ostensibly on account of shortage of doctors. A fresh G.O. dated 03.08.2015 has been issued now superseding the G.O. dated 30.08.2012 qua the duty timings, which stands restored what the position was as per G.O. dated 14.10.2009.

4.In view of the aforesaid position, the grievance does not survive and the writ petition stands disposed of. No costs.
sra

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.Principal Secretary to Government,
Govt. of Tamil Nadu, Health & Family
Welfare Department (L.1),
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Medicines, DMS Complex, No.359,
Anna Salai, Teynampet, Chennai 600006.

+ 1 cc to Mr.S.Thankasivan, Advocate SR 40904

+ 1 cc to Govt.Pleader SR 41109

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