

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5592 of 2016

Dr.P.Renuka M.B.B.S., DMR D
Assistant Surgeon (Radiologist),
Government District Head Quarters
Hospital,
Nagapattinam. ... Petitioner

vs.

- 1.The Superintendent / CMCHIS
Committee Chairman,
Government District Head Quarters
Hospital,
Nagapattinam.
- 2.The Director of Medical Services,
DMS Campus,
Teynampet, Chennai-6.
- 3.The Project Director,
Tamil Nadu Health Systems Project,
DMS Annex Building,
Teynampet, Chennai-6. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the representation of the petitioner dated 14.10.2015 and consequently, release the entitled claim amount to the Radiological Department, Head Quarters Government Hospital, Nagapattinam within a stipulated time.

For Petitioner : Mr.M.Soundararajan

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the first respondent to consider her representation dated

14.10.2015 and consequently, release the entitled claim amount to the Radiological Department, Head Quarters Government Hospital, Nagapattinam, within a stipulated time.

2. It is the case of the petitioner that she joined the Medical services as an Assistant Surgeon since 20.4.2000 and she completed her P.G. Course in DMRD in the year 2005 from Madras Medical College, Chennai. She was assigned as an Assistant Surgeon, Radiologist since 9.11.2007 in Government District Head Quarters Hospital, Nagapattinam. The Government of Tamil Nadu, in order to provide extensive health service to the general public, introduced a comprehensive health insurance scheme in the year 2012. The said scheme is implemented through Government hospitals as well as few selected private hospitals. The aim of the said scheme is to help the economically deprived section to avail standard of treatment and paucity of funds may not hinder to support their life style. In order to give moral boost to the service provided by the medical team, the Government has enunciated a policy to give incentives to the medical team - doctors, anesthetists, theatre staff, staff nurse and supportive departments / consultants in addition to the regular payment. As per the policy decision of the Government, the operative team of Radiological department is entitled for incentives. The District Head Quarters Government Hospital, Nagapattinam is a diagnostic centre for taking CT or MRI scan. The said hospital is an empanelled hospital for implementing the Chief Minister's comprehensive insurance health policy. In the said hospital, since 10.4.2012 till 14.10.2015, approximately about 2025 patients have been referred to diagnostic centre of Radiological Department of Nagapattinam Hospital. As per G.O.(Ms) No.127 dated 10.4.2012, the first respondent is empowered to release the fund to the centre. In this regard, though several representations have been made, the claim amount has not been released. Finally, the petitioner made a representation dated 14.10.2015 to the first respondent to release the said amount. But, the said representation was not considered so far by the first respondent. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to consider the

representation of the petitioner dated 14.10.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent / CMCHIS
Committee Chairman,
Government District Head Quarters
Hospital,
Nagapattinam.
- 2.The Director of Medical Services,
DMS Campus,
Teynampet, Chennai-6.
- 3.The Project Director,
Tamil Nadu Health Systems Project,
DMS Annex Building,
Teynampet, Chennai-6.

+1cc to Mr.M.Soundararajan, Advocate, S.R.No.9573
+1cc to the Government Pleader, S.R.No.9944

सत्यमेव जयते

W.P.No.5592 of 2016

ctk(CO)
srg(01/03/2016)

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