



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.1140 of 2017

C.Anand Raj .. Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by
The Principal Secretary,
Health and Family Welfare Department,
Secretariat, State of Tamil Nadu,
Fort St. George, Chennai.
- 2.The Director of Medical and Rural Health Service,
State of Tamil Nadu, Keelpakkam,
Chennai - 600 010.
- 3.The Director of Medical Education,
State of Tamil Nadu,
Directorate of Medical Education,
Chennai - 600 006.
- 4.The Director of Medical and Rural Health Services, (ESI),
The Directorate of Medical and Rural Health Services, (ESI),
Chennai - 600 006.
- 5.The Director of Public Health and Preventive Medicine,
The Directorate of Public Health and Preventive Medicine,
State of Tamil Nadu, Chennai - 600 006.
- 6.The Commissioner of Indian Medicine and Homeopathy,
Office of the Commissioner of Indian Medicine and Homeopathy,
State of Tamil Nadu, Chennai - 600 106.
- 7.The Dean,
Madurai Government Rajaji Hospital,
Madurai. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Mandamus directing the respondents to strictly implement Bio
Metric attendance system in all the Government Medical College



Hospitals and attached institutions, Government Medical Colleges, Government District Head Quarters Hospitals, Government Hospitals, Taluk and Non Taluk Hospitals, ESI Hospitals/dispensaries and Primary Health Centers to monitor and regulate the attendance of all the staff working in the above hospitals, by strictly implementing the G.O.(Ms)No.277 Respondent No.1, dated 20.09.2012 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to implement Bio-metric Attendance System in all Government Medical College Hospitals, District Headquarters Hospitals and Taluk Headquarters Hospitals in pursuance of G.O.(Ms)No.277, Health and Family Welfare (E1) Department, dated 20.09.2012, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Krishnapuram Colony, Madurai. Further it is averred in the petition that the Government of Tamil Nadu have issued G.O. (Ms)No.277, Health and Family Welfare (E1) Department, dated 20.09.2012, wherein it has been specifically directed to implement Bio-metric Attendance System in all Government Medical College Hospitals, District Headquarters Government Hospitals, Taluk Headquarters Government Hospitals and ESI Hospitals/Dispensaries. But the said G.O. has not been implemented. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for all the respondents.

4.The learned counsel appearing for the petitioner has contended to the effect that on 20.09.2012, the Government of Tamil Nadu have passed G.O.(Ms)No.277, wherein it has been specifically directed to implement Bio-metric Attendance System in all the hospitals mentioned in the petition, but the same has not been implemented and therefore the present writ petition has been filed.

5.The learned Special Government Pleader appearing for the respondents has also equally contended to the effect that in pursuance of G.O.(Ms)No.277, dated 20.09.2012, Bio-metric Attendance System has been introduced almost in all Government Hospitals and therefore the present writ petition is totally unwarranted.



6. It is an admitted fact that the Government of Tamil Nadu have issued G.O.(Ms)No.277 on 20.09.2012 and the same reads as follows:

"During the the Meeting convened by Hon'ble Minister for Health on 31.08.2012 and 14.09.2012 to discuss the upkeep and general maintenance of Government Hospitals, it was decided to introduce Bio-metric system in all the Government Medical Colleges, Medical College Hospitals and attached institutions, Government Headquarters Hospitals, Government Hospitals, Taluk Hospitals and non-Taluk Hospitals, ESI Hospitals/Dispensaries and Primary Health Centres to monitor and regulate the attendance of all the staff working in the above hospitals.

2. Accordingly, the Government introduce the Bio-metric system in all the above said hospitals including the Hospitals/Institutions coming under the control of Indian Medicine and Homeopathy wing to monitor and regulate the attendance of all the staff with effect from 1.10.2012.

3. The Director of Medical Education, Director of Medical and Rural Health Services, Director of Medical and Rural Health Services (ESI), Director of Public Health and Preventive Medicine and Commissioner of Indian Medicine and Homeopathy are instructed to introduce the Bio-metric system to monitor and regulate the attendance of staff in all the hospitals/institutions under their control with effect from 1.10.2012 by utilizing the available Hospital Maintenance Fund/Patient Welfare Society Fund/other sources where Hospital Maintenance Fund/Patient Welfare Society Fund is not available".

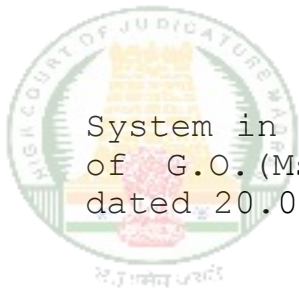
7. A mere reading of the said G.O. would reveal that the Government of Tamil Nadu have already issued necessary direction to implement Bio-metric Attendance System in all Government Hospitals.

8. The main contention put forth on the side of the petitioner is that the direction given in G.O.(Ms)No.277, dated 20.09.2012 has not been implemented.

9. Considering the fact that the Government of Tamil Nadu have passed G.O.(Ms)No.277, wherein it has been specifically stated that Bio-metric Attendance System should be introduced in all Government Hospitals, this Court is of the view to give the following direction.

<https://hcservices.ecourts.gov.in/hcservices/>

10. In fine, this writ petition is allowed without costs and the respondents are directed to implement Bio-metric Attendance



System in all the hospitals mentioned in the petition in pursuance of G.O.(Ms)No.277, Health and Family Welfare (E1) Department, dated 20.09.2012 within a period of four months.

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/True copy/

Sd/-
Assistant Registrar(CS II)

Sub Assistant Registrar

To

- 1.The Principal Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai.
- 2.The Director of Medical and Rural Health Service,
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Office of the Commissioner of Indian Medicine and Homeopathy,
Government of Tamil Nadu, Chennai - 600 106.
- 7.The Dean,
Madurai Government Rajaji Hospital, Madurai.

+1cc to Mr.R.Alagumani Advocate SR.No.4232

smn

sm:RR-BS:SAR I:27.1.2017:4P/9C

ORDER MADE IN
W.P(MD)No.1140 of 2017
25.01.2017