



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.14145 of 2017

Tamilnadu Siddha Medical
Officer's Association
rep. by its Secretary
Dr.B.Thamizhkkani

... Petitioner

-vs-

1.Principal Secretary,
Department of Finance,
Government of Tamilnadu,
Fort St. George, Chennai.

2.The Principal Secretary,
Department of Health and Family Welfare,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.

3.The Principal Secretary
Department of Personal and
Administrative Reforms, Government of Tamilnadu
Fort St. George, Chennai.

4.The Additional Chief Secretary &
Commissioner, Department of Indian Medicine and
Homeopathy, Government of Tamilnadu
Fort St. George, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to restructure represented by the petitioner's Association and implement the DACP in AYUSH, by considering the petitioner's representation dated 10.05.2017.

For Petitioner
For Respondents

: Mr.P.Santhoshkumar
: Mr.D.Muruganandham
Additional Government Pleader

ORDER

By consent of both sides, this writ petition is taken up for



2. The petitioner, who is the Secretary of Tamilnadu Siddha Medical Officer's Association, is before this Court with the present writ petition seeking a direction to the respondents to restructure and implement the Dynamic Assured Career Progression in AYUSH, by considering the petitioner's representation dated 10.05.2017.

3. It is their grievance that their scale of pay are not given on par with AYUSH (Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy). Therefore, they have given a representation to the respondents to restructure their scale of pay including the entire service benefits on par with the Allopathy Doctors and AYUSH Doctors working in National Schemes. But, till date, the respondents have not come forward to consider the said representation.

4. The learned counsel for the petitioner would submit that when the Siddha Doctors have evidently proved their proficiency more than the Allopathy Doctors, at the time of outbreak of Dengue and Chicken-gunya by distributing "Nilavembu Kasayam" and "Papaya Juice", the entire State was able to get away from the killer disease of Dengue and Chicken-gunya and even today, people across the State have given top priority only to these Siddha medicine instead of going to any specialized hospital for these diseases. Therefore, the petitioner should be considered on par with the AYUSH Doctors and Allopathy Doctors in the matters of scale of pay. Since this has not been considered, candidates aspiring to become Siddha Doctors would not come forward and if the scale of pay towards Allopathy, AYUSH and Siddha are made equivalent, there will be more number of Doctors coming to Siddha field. Therefore, a direction is sought for to consider their representation.

5. The learned Additional Government Pleader sought time to get instructions. But, this Court is not inclined to grant time to take instructions. The reason is that the petitioner's representation has been pending on the file of the respondents, since May 2017, no purpose would be served by giving time to take instructions, as they are bound to dispose of the said representation on merits.

6. In view of the above, the respondents are directed to consider the petitioner's representation dated 10.05.2017, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



7. The writ petition is disposed of with the above direction.
No costs.

WEB COPY

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. Principal Secretary,
Department of Finance,
Government of Tamilnadu,
Fort St. George, Chennai.
2. The Principal Secretary,
Department of Health and Family Welfare,
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Government of Tamilnadu
Fort St. George,
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4. The Additional Chief Secretary &
Commissioner,
Department of Indian Medicine and
Homeopathy, Government of Tamilnadu
Fort St. George, Chennai.

+1cc to M/S.P.Santhoshkumar, Advocate SR.No. 69063
+1cc to Special Government Pleader, SR.No. 69291

W.P (MD) No.14145 of 2017
31.07.2017

RR

JM/SKN RSK/SAR 4/16.08.2017/3P/7C