

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.14666 of 2018

Dr.K.Purusotham

Associate Professor of Medicine

MMC General Hospital

Chennai - 600 003

residing at

8/4, Annai Parasakthi Nagar

Lakshmipuram, Puthagaram

chennai - 600 099.

.. Petitioner

Vs.

1. The Secretary

Health Department

Government of Tamil Nadu

Fort St. George

Chennai - 600 009.

2. The Chief Secretary to Government

Government of Tamil Nadu

Fort St. George

Chennai - 600 009.

3. The Commissioner/Secretary

Personnel and Administrative Reforms

Government of Tamil Nadu

Secretariat, Fort St. George

Chennai - 600 009.

4. The Directorate of Medical Education

Government of Tamil Nadu

No.163, Poonamalee High Road

Kilpauk, Chennai - 600 010.

.. Respondents

PRAYER:

Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct respondents 1 to 3 to consider the representation dated 23.11.2017 in respect of enhancement of age of superannuation of Tamil Nadu Government Doctors from 58 years to 65 years.

For Petitioner : Mr.N.Ramachandran

For Respondents : Mr.T.N.Rajagopalan
Government Pleader

ORDER

(Made by Ms.Indira Banerjee, Chief Justice)

This writ petition has been filed seeking directions on the respondent authorities to consider the representation dated 23.11.2017 in respect of enhancement of age of superannuation of Tamil Nadu Government Doctors from 58 years to 65 years.

2. Determination of age of retirement of government servants is essentially an executive function, unless the age is determined by statute.

3. It, however, appears from the affidavit in support of the writ petition that the Medical Council of India has approved, modified and amended the age of retirement of Government Doctors and as per All India Medical Council's notification several States in India have increased the age of superannuation of Doctors to 65 years.

4. However, from the averments in the writ petition itself it appears that the date of retirement varies from State to State. The State of Orissa has enhanced retirement age from 60 to 62 years. In the State of Haryana, the age of retirement has been enhanced from 58 to 65 years. In Andhra Pradesh and Assam, the retirement age has been enhanced to 65 years.

5. After hearing the respective parties, the writ petition is disposed of by directing the respondent authorities to consider the representation of the petitioner in accordance with law. The representation may be considered by giving the petitioner and other Doctors a hearing. The doctors may be heard through a representative. We make it clear that we had not

gone into the merits of the contentions in the representation and a decision may be taken in accordance with law.

The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Secretary
Health Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.
2. The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.
3. The Commissioner/Secretary
Personnel and Administrative Reforms
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Secretariat, Fort St. George
Chennai - 600 009.
4. The Directorate of Medical Education
Government of Tamil Nadu
No.163, Poonamalee High Road
Kilpauk, Chennai - 600 010.

+1cc to Mr.N.Ramachandran, Advocate, S.R.No.38180
+1cc to the Government Pleader, S.R.No.38085

W.P.No.14666 of 2018

CS/26/06/18