



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.4546 of 2015
and
M.P. (MD) .Nos.1 and 2 of 2015

M.Senthil Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu Represented by its
Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George,
Chennai-600 009.
2. The Project Director,
Tamil Nadu Health System Project,
DMS Annex Building,
Thenampet, Chennai-600 006.
3. The Chief Operating Officer,
GVK-Emergency Medical Research Institute,
108 Ambulance Service,
Government Gandhi Kasturiba
Women's & Children's Hospital
Chennai-5.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents in altering or modifying the Service Conditions of Pilots (Ambulance Drivers) and Emergency Medical Technicians (EMT) and Call Centre Employees working in 108 Ambulance Service and consequently, direct the 3rd respondent to disburse the full amount of salary to the petitioner union Members working in the cadre of Pilots (Ambulance Drivers) and Emergency Medical Technicians (EMT) and Call Centre Employees in 108 Ambulance Service, in Tamil nadu as released by the respondents 1 and 2 without any deduction or deviation by applying appraisal or assessment or any other pretext method prescribed.

For Petitioners : Mr.M.Saravanakumar

For R1 and R2 : Mr.M.Jeyakumar
Additional Government Pleader

**ORDER**

Though the relief sought for in the present writ petition is to forbear the respondent in altering or modifying the Service Conditions of Pilots (Ambulance Drivers) and Emergency Medical Technicians (EMT) and Call Centre Employees working in 108 Ambulance Service.

2.The learned counsel for the writ petitioner now restricted the prayer sought for in the present writ petition by stating that it is suffice if a direction is issued to conduct an enquiry with reference to the allegations set out by the employee of the Organization against the third respondent.

3.The learned counsel for the writ petitioner states that the Government under the scheme making payment to the third respondent and in turn, the third respondent has to pay the salary and other allowances to the employees engaged in 108 ambulance. However, the third respondent is committing certain irregularities and illegalities in the matter of disbursement of salary to the employees working under the Scheme. In respect of such irregularities and illegalities, the petitioner through their Association submitted a representation to the second respondent on 11.03.2015 and no action has been taken by the second respondent in this regard.

4.This Court is of the considered opinion that any Government funded scheme must be implemented for the welfare of the public and the employees, who all are engaged under the Scheme must also be properly paid. It is the duty of the Government to ensure that the payment made to such private companies are properly utilized for the purpose of welfare of the public at large, more specifically, in a Government Hospitals and Primary Health Centre.

5.Thus, the Government after making the payment to such private organizations should conduct proper inspection and accordingly, initiate necessary actions if there is any illegality or irregularity are identified. In the present case on hand, the learned counsel for the writ petitioner states that the third respondent is committing the irregularities and illegalities in a scientific manner. Therefore, the respondents 1 and 2 are directed to look into the complaint submitted by the writ petitioner through their organization on 11.03.2015 and conduct inspection into the affairs of the third respondent and ensure that the Government funds are utilized properly and in accordance with the terms and conditions of the agreement as well as the scheme.



6. With these directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
The State of Tamil Nadu
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.

2. The Project Director,
Tamil Nadu Health System Project,
DMS Annex Building,
Thenampet, Chennai-600 006.

1 CC to M/s.SPL GP (SR-76598[F] dated 22/07/2019)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-76834[F] dated 23/07/2019)

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-77021[F] dt 23/07/2019)

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