



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty First day of August Two Thousand Nineteen

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PRESENT

The Hon'ble Mr. Justice M.SATHYANARAYANAN
and
The Hon'ble Mr. Justice B.PUGALENDHI

WMP(MD) No.16709 of 2017

IN

WP(MD) No.20435 of 2017

K.K.RAMESH

... PETITIONER/PETITIONER

Vs

1 UNION OF INDIA,
REP. BY ITS PRINCIPAL SECRETARY,
MINISTRY OF HEALTH, NEW DELHI.

2 UNION OF INDIA
REP. BY ITS DIRECT GENERAL,
INDIAN COUNCIL OF MEDICAL RESEARCH,
V.RAMALINGASWAMI BHAWAN,
ANSARI NAGAR, POST BOX 4911,
NEW DELHI - 110029.

3 THE STATE OF TAMIL NADU
REP. BY PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH, SECRETARIAT, CHENNAI.

4 THE DIRECTOR,
ICMR - CENTRE FOR RESEARCH IN MEDICAL ENTOMOLOGY,
4, SAROJINI STREET, CHINNA
CHOKKIKULAM, MADURAI - 625 002. ... RESPONDENT/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Stay all further proceedings of office Memorandum No.16/108/2017 - Adm-II dated 30 October 2017 passed by the 2nd Respondent, pending disposal of this Writ Petition.

Prayer in WP(MD)No. 20435/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari/Mandamus, calling for the records pertaining to the 2nd respondent official Memorandum No.16/108/2017 - Adm-11 dated



30.10.2017 quash the same and direct the 2nd Respondent to increase the posts of scientists in ICMS Madurai and to increase the funds regularly to ICMR, Madurai to develop the research work in ICMR Madurai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.K.RAMESH, PARTY IN PERSON, for the petitioner and of Mr.P.Paul Pandi, Advocate for R1, and Mrs.N.Mala, Advocate for R2 & R4, and Mr.A.K.Baskarapandian, Special Government Pleader, for R3, the court made the following order:-

RESERVED ON : 08.08.2019

PRONOUNCED ON : 21.08.2019

The petitioner filed this writ petition, as party-in-person, as against the order passed by the second respondent / the Director General, Indian Council of Medical Research, New Delhi in Official Memorandum No.16/108/2017-Admn-II, dated 30.10.2017, whereby and whereunder, the Government of India has ordered for merger of Institutes / Centres coming under Indian Council of Medical Research (hereinafter referred to as "ICMR"). The petitioner has also sought for a consequential direction to increase the post of Scientist in ICMR, Madurai.

2. The second respondent, vide the impugned notification, has ordered for merger of as many as eight institutes / centres and one such centre is that the Centre for Research in Medical Entomology (hereinafter referred to as "CRME"), Madurai, which was ordered to be merged with Vector Control Research Centre (hereinafter referred to as "VCRC"), Pudhucherry and was directed to function as VCRC Field Station. Aggrieved, the petitioner has preferred this writ petition, as public interest litigation and the same was also entertained and this Court, by order dated 07.12.2018, has directed the respondents to maintain *status quo* with regard to shifting of Centre for Research in Medical Entomology (CRME), Madurai, with Vector Control Research Centre (VCRC), Pudhucherry, until further orders.

3. Heard the petitioner / party-in-person; Mr.P.Paulpandi, learned Counsel for the first respondent; Mrs.N.Mala, learned Counsel for respondents 2 & 4; and Mr.A.K.Baskarapandian, learned Special Government Pleader for the third respondent.

4. According to the petitioner, the Centre for Research in Medical Entomology (CRME), Madurai was established in the year 1985, where integrated approaches of laboratory and operational research were used, not only to unravel the differential distribution of insects through vector surveillance, but also to develop novel strategies to control insect populations of medical importance. In fact, in CRME, Madurai, research areas span across a wide range of



diseases from endemic and recurring vector borne diseases like Malaria, Japanese Encephalitis (JE) and Lymphatic Filariasis (LF) etc., to the emerging and re-emerging diseases like Chikungunya, Dengue and Zika etc.

5. The petitioner has also narrated the achievements and contributions rendered by CRME, Madurai and further submitted that recently, the Central Government has purchased 5 Acres of land in Vadapalanji Village, Madurai District for the development of research in the field of insects under the control of ICMR. At this juncture, the second respondent has ordered for such a merger, which would not only affect its performance but also affect the people of Tamil Nadu, in large. Therefore, he prays for appropriate orders.

6. The fourth respondent has filed a counter affidavit, signed on 04.04.2018, stating among other things that CRME, Madurai is not the only Institute where merger was ordered and this merger was ordered insofar as eight institutes are concerned, as per the recommendations of the Performance Evaluation Committee [PEC], which was established by the Government of India, to review the productivity and impact of ICMR.

7. Apart from the recommendation of the Performance Evaluation Committee, NITI Aayog consisting of Secretaries and Parliamentary Standing Committee [PSC] suggested to reduce the number of ICMR institutes and to re-position / re-organise with other institutes, which are having similar broader mandates. It is further contended that even as per the guidelines for merger of CRME Madurai with VCRC, Pondicherry, ICMR-CRME will continue to exist as field station of ICMR-VCRC. Therefore, the learned Counsel would submit that the apprehension of the petitioner that ICMR-CRME, Madurai will cease to exist does not hold much water and prays for appropriate orders.

8. This Court has paid it's anxious consideration to the rival submissions and also perused the documents placed on record.

9. The primordial submission of the petitioner is that ICMR is very keen and focusing in developing creative and cost effective solutions to prevent the multiplication of mosquitoes, which can be seen in the three year action agenda [2017-18 to 2019-20] of NITI Aayog, Government of India. CRME, Madurai, is an expertise in this field and though it is pertinent to bring all the ICMR institutes working on vector borne diseases under one umbrella, the merger of CRME with VCRC, at this juncture, may obstruct the present working temper.

10. But, it is the stand of the fourth respondent that a Performance Evaluation Committee (PEC) was established by the Government of India to review ICMR's productivity and impact. On its recommendation and also on the recommendations of NITI Aayog, Group of Secretaries and Parliamentary Standing Committee, the Executive Council of ICMR made a policy decision to reduce the number of



institutes and re-position / re-organize with other institutes which are having similar nature of work or have low productivity, so that the talents are pooled and productivity is maximized.

11. It is also the specific stand of the fourth respondent that the subject matter, ie., merging of the institutions, is a policy decision taken by the Executive Council of ICMR, based on the recommendations of Performance Evaluation Committee and the policy decision was also notified by the Governing Council. Moreover, even after the merger of ICMR-CRME, Madurai with ICMR-VCRC, Pondicherry, ICMR-CRME, Madurai will continue to exist as a field station of ICMR-VCRC, Pondicherry.

12. Since it is submitted that the merger of institutes is a policy decision and as the petitioner has not pointed out any illegality or irregularity, but has only apprehended as to the future functioning of CRME, Madurai, this Court, pending writ petition, is inclined to vacate the interim order and accordingly, the interim order of *status quo* granted on 07.12.2018 is hereby vacated.

13. Post the main writ petition in the third week of September, 2019. The respondents 2 & 4 are directed to produce the relevant files as to the decision taken with regard to the merger of ICMR institutes and also file affidavits as to the future functioning of ICMR-CRME, Madurai.

sd/-
21/08/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SECRETARY,
UNION OF INDIA,
MINISTRY OF HEALTH, NEW DELHI.

2 THE DIRECT GENERAL, UNION OF INDIA
INDIAN COUNCIL OF MEDICAL RESEARCH,
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+1. C.C. to K.K.RAMESH, PARTY IN PERSON, SR.No.82606

ORDER
IN
WMP (MD) No.16709 of 2017
IN
WP (MD) No.20435 of 2017
Date :21/08/2019

GK/DSL
ES/JC/SAR2/27.08.2019/5P/6C