



W.P.Nos.30340, 32150 and 31981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.30340, 32150 and 31981 of 2023

W.P.No.30340 of 2023

1. Dr.Arunachalam
2. Dr.S.Dhivya
3. Dr.G.Murugan M.D.,

...Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
3. The Dean,
Namakkal Medical College,
Namakkal.
4. The Dean,
Govt. Mohankumaramangalam Medical College,
Salem – 636 030.
5. The Dean,
Government Dharmapuri Medical College,
Dharmapuri.

...Respondents



W.P.Nos.30340, 32150 and 31981 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to sanction and release the salary, allowances and other attendant benefits forthwith as per the petitioners' representation dated 01.07.2023 in terms of G.O.(Ms).No.293, Health and Family Welfare(A1) Department, dated 18.06.2021 in favour of the petitioners along with the arrears from the date of Government order.

For Petitioners : Mr.S.Venkatasubramaniyan

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader [R1 to R5]

W.P.No.31981 of 2023

Dr.V.Udhayasankar, M.C.h., (Paediatric Surgery) ...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
3. The Special Secretary,
Finance Department,
St.George Fort,
Secretariat, Chennai – 600 009.



W.P.Nos.30340, 32150 and 31981 of 2023

4. The Dean,
Government Vellore Medical College,
Adukamparai – 632 011

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to sanction and release the salary, allowances and other attendant benefits forthwith in terms of G.O.(Ms).No.293, Health and Family Welfare(A1) Department, dated 18.06.2021 from the date of the said Government order by passing appropriate orders on the petitioner's representation dated 19.10.2023.

For Petitioner : Mr.A.R.Pradeep

For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader [R1, R2 and R4]

Mr.A.Selvendran
Special Government Pleader [R3]

W.P.No.32150 of 2023

1. Dr.T.Jeyasingh M.D. FM
2. Dr.T.Ravikuamr M.D., GM
3. Dr.T.Kanagarajan M.D., Anaes
4. Dr.P.Murugesan M.D., Phy
5. Dr.V.Geetha M.S., OG
6. Dr.L.Madhan MD., GEN
7. Dr.K.Sivakumar MD., GEN
8. Dr.R.Senthil Kuamr M.CH., Plastic
9. Dr.A.Mohamed Fazal M.S., GS.,
10. Dr.S.Sasikumar DA., ANAES
11. Dr.N.Murali M.D., RD
12. Dr.P.Arunkumar M.D., GM



W.P.Nos.30340, 32150 and 31981 of 2023

13. Dr.M.Babu M.D., GEN MED
14. Dr.S.Madhana Gopalan M.D., ANAES
15. Dr.S.Peranantham M.D., FM
16. Dr.N.Sakthivel DA., ANAES
17. Dr.Senthilnathan S.M., MD., ANAES
18. Dr.P.Mohanapriya, MS., OPHTHAL
19. Dr.P.Sumithra MS., GS
20. Dr.E.Senthil MD., TM
21. Dr.C.Jeevakala MS., OPHTHAL
22. Dr.K.Murugalakshmi MS., OG
23. Dr.N.Geetha MS., OG
24. Dr. V.Saravanan MS., ENT
25. Dr.P.Vikram MD., ANAES
26. Dr.P.Thilagavathi M.S., OG
27. Dr. R.Manonmani MS., OG
28. Dr. M.Rohinidevi MD., ANAT
29. Dr.P.Vishnuram MD., GM
30. Dr.B.Vasanthi MD., ANAES
31. Dr. Senthilkumar DMRD
32. Dr. D.Senthikumar MD., ANAES
33. Dr. S.Sankar MD., FM
34. Dr. V.Vinothkumar MD., FM
35. Dr. R.Gobinath MD., FM
36. Dr. R.Jayalakshmi MD., FM
37. Dr.C.Manoharan MD., FM
38. Dr.D.Thangam DO., OPH
39. Dr.R.Udhayabanu MD., FM
40. Dr.SYuhes MD., FM
41. Dr.S.Jayaprakash MD., PAED
42. Dr.S.Subhashini MD., PHY
43. Dr.G.Bharathiraja MD, GM
44. Dr. M.Prabagar DM., ONCO
45. Dr. K.B. Akila DM., ONCO
46. Dr. Radhika MS., GS
47. Dr. A. Nilavan MD., GM
48. Dr. Jenithaa Gopal DGO.,
49. Dr.Balavenkataperumal MD., FM



W.P.Nos.30340, 32150 and 31981 of 2023

50. Dr.A.N.Senthil, DM., CARDIO
51. Dr.T.Narendran,MD., FM
52. Dr.A.Ragavendra MD., RADIO,
53. Dr.K.Malligai, DO., OPHTHAL
54. Dr.BR.Sasikumar MD., PAED
55. Dr.S.Veeranan MS., GS
56. Dr.K.S.Krithiga MD., ANAES
57. Dr.C.N.Angel Deepa MD., PHYSIO
58. Dr.Saravanapriya DLO,
59. Dr.J.Jegadeesh DM., CARDIO
60. Dr.M.Saraswathy MS., GS
61. Dr. R.Kannadasan MD., RD,
62. Dr.S.Karthikeyan MS., GS
63. Dr.S.Narmatha Yangtse MD., ANAES
64. Dr.Durairaj M.ch., SGE,
65. Dr.S.Babu, M.Ch., SGE
66. Dr.S.Prakash M.Ch., Plastic Surgery
67. Dr.P.Murugadasan M.S., General Surgery
68. Dr.V.S.Venkatesan M.S., Gen surg
69. Dr.R.Madhavan M.D., DVL
70. Dr.K.Kalyana Sundaram M.D., ANAES
71. Dr.P.Vadivelu M.Ch., Vas surg
72. Dr.D.Chakkravarthi D.M., Cardio
73. Dr.R.Jayakumar M.S. Gen Surg
74. Dr.R.Rengarajan M.Ch., Paed Surg
75. Dr.R.Narayanamoorthy M.S., Gen Surg
76. Dr.N.Kurinji Priya M.D., OG
77. Dr.A.Balamurugan M.S., Gen Surg
78. Dr.N.Selvaraj M.Ch., Surg Onco
79. Dr.N.Dhinakar Babu M.Ch., Uro
80. DR.Sacratis D.M. Neuro
81. Dr.Arun M.S., Radio-Therapy
82. Dr.V.K.Sathyan, DM (Neo.)
83. Dr.P.Senthil Kumar, DM (Neo.)
84. DR.N.Nirmal Kumar, MD (FM)
85. Dr.B.Mohamed Ansar Ali MD PAED
86. Dr.C.Karthikeyan MD PAED



W.P.Nos.30340, 32150 and 31981 of 2023

87. Dr.Kalavathy Prabhakar DLO.,
88. Dr.P.Radhika MD ANAES
89. Dr.M.Vasudevan ARMO
90. Dr.Sobia B.S MD BIOCHEM
91. Dr.B.Anitha MD BIOCHEM
92. Dr.S.Gunasekaran DA ANAES
93. Dr.S.Vidhya DNB PAEDIATRICS
94. Dr.L.Karpagam MD PAEDIATRICS

...Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
3. The Dean,
Coimbatore Medical College, Coimbatore – 641 014.
4. The Dean,
Government Medical College & ESI Hospital,
Coimbatore – 641 014.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to sanction and release the salary, allowances and other attendant benefits forthwith in terms of G.O(M.S)No.293, Health and Family Welfare Department dated 18.06.2021 in favour of the petitioners along with the arrears from the date of Government order.



W.P.Nos.30340, 32150 and 31981 of 2023

For Petitioners : Mr.S.Dinuprashanth

For Respondents : Mr.M.Bindran
Additional Government Pleader

COMMON ORDER

With the consent of both the parties, these Writ Petitions are taken up for final disposal.

2. The prayer in these writ petitions is for implementation of G.O(M.S)No.293, Health and Family Welfare Department dated 18.06.2021, which orders for grant of allowances to the Medical Officers. All the petitioners herein are Medical Officers under the Tamil Nadu Medical Service. Their entitlement to seek for grant of allowances in terms of G.O(M.S)No.293, Health and Family Welfare Department dated 18.06.2021 had already come up before this Court at Madurai Bench, where a learned single Judge of this Court at Madurai Bench in the case of ***S.Sathish Kumar and Ors. Vs. The State of Tamil Nadu, Rep. By Principal Secretary, Health and Family Welfare Department*** in ***W.P.(MD).Nos.8392 and 14397 of 2023*** dated ***28.06.2023***, had allowed the claims and directed the Government to implement the Government



W.P.Nos.30340, 32150 and 31981 of 2023

order and revised the salary and allowances of the petitioners therein. The relevant portion of the order reads as follows:

2.The petitioners herein are Doctors working in various Medical College Hospitals. Their service details have been set out in the affidavits filed in support of the writ petitions. The prayer made by them in these writ petitions is that the Government must be directed to implement G.O.(Ms)No.293, Health and Family Welfare Department dated 18.06.2021 in their cases. The said government order provides for grant of allowances to the Medical Officers in Tamil Nadu Medical service. Paragraph No.4 of the said government order reads as follows:-

“4.The Government have examined the request of the doctors association along with the report of the Committee headed by the Special Secretary (PK). Finance department After examination, the Government have decided to accept the report of the Committee and accordingly ordered as follows:-

i. To grant two special increments to the Medical Officers on acquiring higher qualification as follows:-



W.P.Nos.30340, 32150 and 31981 of 2023

<i>Post Graduate Diplomas in all specialties</i>	<i>One Special increment</i>
<i>Post Graduate degree viz., M.D/M.S</i>	<i>Two Special increments</i>
<i>Super Specialities viz., DM/Mch</i>	<i>Additional two Special increments</i>

These special increments shall count for pay fixation, dearness allowance and pension etc.

ii. An allowance of Rs 14,000 per month is granted for all Super Specialists iii. An allowance of Rs.9,000/- per month is granted for PG degree holders in the following scarce specialties

<i>S.No.</i>	<i>Scarce Speicality</i>
<i>1</i>	<i>Anaesthesia</i>
<i>2</i>	<i>Forensic Medicine</i>
<i>3</i>	<i>Obstertrics and Gynaecology</i>
<i>4</i>	<i>Paediatrics</i>
<i>5</i>	<i>Radiodiagnosis</i>
<i>6</i>	<i>Radiotherapy</i>
<i>7</i>	<i>Thoracic Medicine</i>
<i>8</i>	<i>General Medicine</i>
<i>9</i>	<i>General Surgery</i>
<i>10</i>	<i>Orthopedics</i>
<i>11</i>	<i>Psychiatry</i>



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W.P.Nos.30340, 32150 and 31981 of 2023

iv. An allowance of Rs.5,500/- per month is granted for PG degree holders in other Non scarce specialities v. An allowance of Rs.5,000/- per month is granted for PG diploma holders in the following scarce specialities:

S.No.	Scarce Speicality
1	Anaesthesia
2	Forensic Medicine
3	Obstertrics and Gynaecology
4	Paediatrics
5	Radiodiagnosis
6	Radiotherapy
7	Thoracic Medicine
8	General Medicine
9	General Surgery
10	Orthopedics
11	Psychiatry

vi. An allowance of Rs. 3,000/- per month is granted for PG diploma holders in other non-scarce specialities

vii. An Allowance of Rs. 3000/- per month to the Medical officers (Medical officers, Specialists and Super Specialists) working in Primary Health Centres/Hospitals in the difficult areas in Hills,



W.P.Nos.30340, 32150 and 31981 of 2023

*Plains and Remote areas as notified in G.O (Ms)
No 86, Health and Family Welfare (MCA-1)
Department dated 06.03.2019.*

*viii. An Allowance of Rs.3000/- per month to
all Medical officers working in the following
functionally difficult assignments:*

- i. Trauma/Accident/Emergency care Unit*
- ii. CEMONC Centres*
- iii. SNCU (Sick new born care unit)*
- iv. NBSU (New born stabilization unit)*

*The allowance for Difficult Areas and Functionally
Difficult Assignment shall be in addition to any
other allowance they draw.”*

*3.My attention is drawn to the order dated
26.10.2022 made in W.P.No.26630 of 2022
(Dr.A.Saravanakumar Vs. The Principal Secretary to
Government and Others). The said writ petition was filed
for an identical prayer. This Court directed the
Government to pass final order on merits and in
accordance with law on the writ petitioner's representation
dated 15.09.2022 seeking monetary benefits as per the
aforesaid government order. Pursuant to the said
direction, the Government issued order implementing the
said government order in favour the said*



W.P.Nos.30340, 32150 and 31981 of 2023

Dr.A.Saravanakumar. The petitioners are identically placed.

4.In the counter affidavit filed by the respondents, some reasons have been assigned for not implementing the government order in the case of the petitioners herein. It is stated that there are quite a few service associations and that some of them have taken the stand that all the service grievances of the doctors must be addressed at one go and that there cannot be piece-meal acceptance of their demands. This reason in my view is not acceptable. Implementing the government order in favour of doctors is something beneficial. The doctors can accept the same and continue to agitate for acceptance of their remaining demands. That apart, after conceding the request of Dr.A.Saravanakumar, it is not open to the respondents to defer implementing the government order in the case of the writ petitioners. I, therefore, direct the respondents to sanction and release the writ petitioners' salary, allowances and other attendant benefits in terms of G.O.(Ms)No.293, Health and Family Welfare Department dated 18.06.2020. The implementation shall be made with effect from the date of government order. While their salary and allowances shall be revised from the month of



W.P.Nos.30340, 32150 and 31981 of 2023

August, 2023, the arrears shall be paid within a period of twelve weeks from the date of receipt of a copy of this order.

3. The aforesaid order is self-explanatory. It is the claim of the petitioners herein that they are all similarly placed persons as that of the petitioners in W.P.(MD).Nos.8392 and 14397 of 2023. If that be so, they would also be entitled to a similar relief.

4. Hence, there shall be a direction to the Special Secretary, Finance Department, who is the third respondent in W.P.No.31981 of 2023 to sanction and release the salary, allowances and other attendant benefits in terms of G.O(M.S)No.293, Health and Family Welfare Department dated 18.06.2021. Such order shall be passed atleast within a period of three(3) months from the date of receipt of a copy of this order.

Accordingly, these writ petitions are allowed. No costs.

08.11.2023

Index:Yes



W.P.Nos.30340, 32150 and 31981 of 2023

Speaking order

Neutral Citation: Yes

mp

To

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
3. The Dean,
Namakkal Medical College,
Namakkal.
4. The Dean,
Govt. Mohankumaramangalam Medical College,
Salem – 636 030.
5. The Special Secretary,
Finance Department,
St.George Fort,
Secretariat, Chennai – 600 009.
4. The Dean,
Government Vellore Medical College,
Adukamparai – 632 011.
5. The Dean,



W.P.Nos.30340, 32150 and 31981 of 2023

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Coimbatore Medical College, Coimbatore – 641 014.

6. The Dean,
Government Medical College & ESI Hospital,
Coimbatore – 641 014.

7. The Dean,
Government Dharmapuri Medical College,
Dharmapuri.



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W.P.Nos.30340, 32150 and 31981 of 2023

M.S.RAMESH,J.

mp

W.P.Nos.30340, 32150 and 31981 of 2023

08.11.2023