



W.P.No.33128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33128 of 2023

1.Dr.R.Thiyagarajan
2.Dr.P.S.Sridhar
3.Dr.R.Mohan

... 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,
Government Medical College,
Nagapattinam

Respondent

...

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents to sanction and release the salary, allowances and other attendant benefits forthwith as per the Petitioner's representation dated 01.07.2023 in terms of G.O.(Ms) No.293, Health and



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Family Welfare (A1) Department dated 18.06.2021 in favour of the petitioners along with arrears from the date of Government Order.

For Petitioners : Mr.S.Venkatasubramaniyan

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

Heard Mr.S.Venkatasubramaniyan, learned counsel for the petitioners and Mr.P.Ganesan, learned Government Advocate for the respondent.

2. The prayer in the present writ petition is to direct the respondents to sanction and release the salary, allowances and other attendant benefits in terms of G.O.(Ms) No.293, Health and Family Welfare (A1) Department dated 18.06.2021.

3. For a similar prayer sought for by ***Dr.Arunachalam and others vs The State of Tamil Nadu and others in*** WP Nos.30340, 32150 and 31981 of 2023 dated 08.11.2023, this Court has passed the following order:-

2. The prayer in these writ petitions is for



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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 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



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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:-

<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>



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

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:

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



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S.No.	Scarce Speciality
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, 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



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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 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



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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 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. “



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4. Since the prayer sought for in the present writ petition is similar to that of WP Nos.30340, 32150 and 31981 of 2023, the petitioners are entitled for the relief sought for. Accordingly, there shall be a direction to the respondents 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.

5. Accordingly, these writ petitions are allowed. No costs.

14.12.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

1.The Principal Secretary,
State of Tamil Nadum
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.



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2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

M.S.RAMESH,J.,

SR

3. The Dean,
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