



WEB COPY



W.P.No.34587 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34587 of 2023

- 1.Dr.V.Mohan Raj (MD Peadiatrics)
- 2.Dr.P.Menaka (MD Peadiatrics)
- 3.Dr.S.C.Muthusubramanian, MD (DVL)
- 4.Dr.S.Muthusamy (MD Anaes.)
- 5.Dr.V.Vahini (MD Peadiatrics)
- 6.Dr.M.Saranya (MDS)
- 7.Dr.A.Ramesh (MCH Urology)
- 8.Dr.D.Mohankumar (Mch Urology)
- 9.Dr.V.Umamaheswari (MD Peadiatrics)
- 10.Dr.R.Ramaraj MD (General Medicine)
- 11.Dr.K.Arulanandan (MD Anaes.)
- 12.Dr.B.Deepan Kumar (Mch Vascular Surgery)
- 13.Dr.T.Sudhakar (DNB Orthopaedic Surgery)
- 14.Dr.T.Geetha (MD General Medicine)
- 15.Dr.R.Vijayshankar (MS General Surgery)
- 16.Dr.M.Nallasivam (MS ENT)
- 17.Dr.V.Arulselvan M.D., D.M. (MGE)
- 18.Dr.A.Senthilvadivu, M.D.D.M. (MGE)
- 19.Dr.A.Kavithapriya (Mch Plastic Surgery)
- 20.Dr.C.Ramesh Raja (MS Ortho)
- 21.Dr.R.Vivekanandan (MS Ortho)
- 22.Dr.C.Chandru (MD Anaes.)
- 23.Dr.N.Hariharan (Mch Urology)
- 24.Dr.M.Venkatesh (MS Ortho)
- 25.Dr.G.Arun (MD General Medicine)
- 26.Dr.V.R.Bhuvaneshwari (MD General Medicine)
- 27.Dr.M.Vennila (MS General Surgery)



W.P.No.34587 of 2023

28.Dr.V.Subashini (MD General Medicine)
29.Dr.G.Divyaprabha (MD General Medicine)
30.Dr.P.Sumathi (MD General Medicine)
31.Dr.K.Parthasarathi (MD General Medicine)
32.Dr.S.Bakayaraj (MD General Medicine)
33.Dr.C.S.Mithun Kumar (MS Ortho.)
34.Dr.P.Vasanth Kumar (MD General Medicine)

...Petitioner

Vs

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

...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 Department, dated 18.06.2021, in favour of the petitioners along with the arrears from the date of Government Order.



W.P.No.34587 of 2023

WEB COPY

For Petitioners : Mr.S.Dinuprasanth

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioners had given a representation on 24.03.2023 to the respondents to sanction salary, allowances and other attendant benefits in terms of G.O.(Ms) No.293, Health and Family Welfare Department, dated 18.06.2021 along with arrears from the date of the Government order. Since the said representation was not considered by the respondents, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one



W.P.No.34587 of 2023

way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction the respondents to consider the petitioners' representations dated 24.03.2023, in the light of common order passed by this Court dated 08.11.2023 in W.P.Nos.30340, 32150 and 31981 of 2023, which order was passed in the case of similarly placed doctors, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

12.12.2023

Index:Yes/No

Speaking order/Non-speaking order



W.P.No.34587 of 2023

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WEB COPY

To

- 1.The Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Medical Education and Research,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Dean
Coimbatore Medical College,
Coimbatore.
- 4.The Dean
Government Medical College & ESI Hospital,
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W.P.No.34587 of 2023

M.S.RAMESH,J.

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W.P.No.34587 of 2023

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