



W.P.(MD)Nos.8392 and 14397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.8392 and 14397 of 2023
and
W.M.P.(MD)No.7719 of 2023

W.P.(MD)No.8392 of 2023:-

1.S.Sathish Kumar

2.S.Raja

3.R.Jagatheesh

4.M.Ilamaran

5.R.Aravazhi

6.T.Sureshbabu

7.M.Saravanan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its 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.



W.P.(MD)Nos.8392 and 14397 of 2023

3.The Dean,
Madurai Medical College,
Madurai.

4.The Dean,
Tirunelveli Medical College,
Tirunelveli.

5.The Dean,
Theni Medical College,
Theni.

6.The Dean,
Dindigul Medical College,
Dindigul.

7.The Dean,
Sivagangai Medical College,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court 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.

For Petitioners : Mr.K.Ragatheesh Kumar,
For M/s.Isaac Chambers.



W.P.(MD)Nos.8392 and 14397 of 2023

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

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W.P.(MD)No.14397 of 2023:-

- 1.Prabhakaran
- 2.R.R.Saravanan
- 3.Sivasubramanian
- 4.M.Kalyana Sundram
- 5.K.A.Malarvanan
- 6.Thirulogachandran
- 7.K.Muralidharan
- 8.M.N.Karthi
- 9.G.Selvarani
- 10.C.Vairavarajan
- 11.R.Malairasu
- 12.M.Ramesh
- 13.S.Manikandan
- 14.Algin Danny

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
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Kanyakumari.

6.The Dean,
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Dindigul.

7.The Dean,
Sivagangai Medical College,
Sivagangai.

8.The Dean,
Ramanathapuram Medical College,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction and release the salary, allowances and other



W.P.(MD)Nos.8392 and 14397 of 2023

attendant benefits forthwith 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 Petitioner : Mr.K.Govindarajan,
For Mr.R.Murali.

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

COMMON ORDER

Heard the learned counsel on either side.

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:-



W.P.(MD)Nos.8392 and 14397 of 2023

“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 specialities</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 specialities

<i>S. No.</i>	<i>Scarce Speciality</i>
<i>1</i>	<i>Anaesthesia</i>
<i>2</i>	<i>Forensic Medicine</i>



W.P.(MD)Nos.8392 and 14397 of 2023

3	<i>Obstetrics 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 Speciality</i>
<i>1</i>	<i>Anaesthesia</i>
<i>2</i>	<i>Forensic Medicine</i>
<i>3</i>	<i>Obstetrics 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>



W.P.(MD)Nos.8392 and 14397 of 2023

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 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



W.P.(MD)Nos.8392 and 14397 of 2023

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



W.P.(MD)Nos.8392 and 14397 of 2023

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

5.These writ petitions are allowed on these terms. No costs.
Consequently, connected miscellaneous petition is closed.

28.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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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,
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W.P.(MD)Nos.8392 and 14397 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)Nos.8392 and 14397 of 2023

28.06.2023
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