



Writ Petition No.15656 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.15656 of 2012
and M.P.Nos.1 & 2 of 2012

Dr.(Sqn Ldr) S.B.Rajesh Ram

...Petitioner

Vs.

1.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 Rural Health Services
Teynampet, Chennai – 600 006.

3.The Joint Director
Medical and Rural Health Services
Thanjavur District
Kumbakonam.

4.The Hospital Superintendent
Govt. District Head Quarters Hospital
Thanjavur District, Kumbakonam.
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,



Writ Petition No.15656 of 2012

praying to issue a Writ of Certiorari, call for the records pertaining to the office Letter Ref.No.82153/E3/1/10 dated 22.12.2010 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mr.M.Rajendiran
Additional Government Pleader
for RR1 to 4

ORDER

Challenging the impugned office memorandum No.82153/E3/1/10 dated 22.12.2010 issued by the 2nd respondent, the petitioner has filed the present Writ Petition.

2. It is the case of the petitioner, that he is a government Doctor, employed as Assistant Surgeon at Government District Head Quarters Hospital, Kumbakonam, Thanjavur District. The employment of the petitioner comes under the Tamil Nadu Medical Service and under the administrative control of the 3rd and 4th respondents. While the 2nd respondent is the Head of the Department, the 1st respondent is overall In-charge of the health administration in the State. Doctors under the employment of the 1st



Writ Petition No.15656 of 2012

respondent prior to the year 2009 had made a grievance, on account of lack of adequate promotional opportunities and stagnation at various levels in the system. Therefore, they insisted for a dynamic assured career progression.

3. The learned counsel for the petitioner would submit that the 1st respondent while considering the demand of the petitioner and other similarly placed persons, constituted a committee to look into the promotional opportunities of Government Doctors at various levels. As a result, the 1st respondent passed the G.O.Ms.No.354, Health & Family Welfare (B2) Department dated 23.10.2009 and created a new rank known as Chief Civil Surgeon (CCS), carrying the salary in the pay band – IV of Rs.37,400/- - 67,000/- with Grade Pay of Rs.8,700/-. The Doctors who were in the cadre of Civil Surgeons (CS) and Senior Civil Surgeon (SCS) were promoted and refitted as CCS. The post of CCS was classified into three branches, viz., Common, Specialty and Administration.

4. The learned counsel would further submit that the 1st respondent in G.O.Ms.No.354 dated 23.10.2009 unequivocally made clear that the post of



Writ Petition No.15656 of 2012

CCS shall be only a rank and the said designation would not deem the person holding the said rank as a Head of an administrative unit. He would also submit that a total number of 543 common posts of CCS were created initially, to enable smooth transition from each level to next one. The 1st respondent fixed that approximately 1/28th of the total number of the post of CCS shall be filled up every year. Therefore, the 2nd respondent, by the office proceedings Re.No.78000/E6/1/09 dated 30.04.2010 had initially approved a list of 291 Medical Officers to be promoted and refitted as CCS. In view of the creation of the post of CCS, large number of Doctors were promoted as CCS. This necessitated the 2nd respondent to assign the duties and responsibilities of CCS and to this effect, the 2nd respondent issued an office memorandum in Re.No.82153/E3/1/10 dated 22.12.2010.

5. By virtue of the said office memorandum, all the CCS in non-administrative posts (CCS common) and CCS (Specialists), who have put 20 years of total service were alone exempted from 24 hrs stay duty, casualty and post-mortem duty. Those CCS were required to do out patient (OP) duty and call duty, only in the event of mass casualty, epidemics, natural calamities and



Writ Petition No.15656 of 2012

in adequate man power. In view of the creation of the new posts of CCS, the duties and responsibilities of the Government Doctor's right from Government District Head Quarters Hospital to non-Taluk Hospitals have been re-fixed in line with the office memorandum Ref.No.82153/E3/1/10 dated 22.12.2010 issued by the 2nd respondent.

6. It is further submitted that though the post of CCS was created to provide an avenue for promotion for the Government Doctors, the exemption granted to those CCS has created an anomalous situation that the entire work load hitherto has been shifted to non CCS Doctors and in the State of Tamil Nadu, there are 31 District Head Quarters Hospitals and 100's of Taluk and Non-Taluk Hospitals catering the medical services of the population. In view of health awareness campaigns carried out by the Government and media, there is a tremendous increase in flow of poor people living in semi urban and villages to the Government Hospitals. Further, the introduction of emergency medical service through toll free No.108 Ambulance has steadily increased the inflow of patients with various medical ailments ranging from serious road accidents to animal bites.



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7. The situation prevailing at the Government District Head Quarters Hospital, Kumbakonam, Thanjavur District, where the petitioner at present employed would depict the ground realities. There are 15 Assistant and Civil surgeons, 7 Senior Civil Surgeons and 16 CCS. Among the Assistant and Civil Surgeons, 4 Doctors are specifically allocated to Comprehensive Emergency Obstetric and Neonatal (CEMONC) care duty as well as Obstetric emergencies and Neonatal emergencies. About 3 Anesthesiologists are performing call duty every alternative day. In view of the exemption given under the office memorandum dated 22.12.2010, the Doctors in the rank of CCS are not attending any of the emergency duties, though they are physically present at the Hospitals. Thus, only 7 Assistant and Civil Surgeons and 5 Senior Civil Surgeons have to discharge the entire work load of attending all casualty cases, medical & surgical emergencies and medico legal cases along with the routine out patient (OP) duties. By virtue of the impugned office memorandum, the petitioner along with other Doctors were forced to work beyond their capacity, which exposes them to the risk of committing error of judgment in diagnosis and in treatment.



Writ Petition No.15656 of 2012

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8. It is further submitted that the petitioner and other Assistant Surgeons gave representation on 13.01.2011 to the 3rd respondent through proper channel bringing to his attention the above problems. In view of the lack of adequate number of Assistant and Civil Surgeons, each non CCS Doctor is called upon to do 24 hours casualty duty frequently. Making the situation worse, these doctors apart from the above stated duties are also required to do frequent post mortem duties. It is pertinent to state that once a Doctor attends a post mortem, he is not expected to attend any other patient without disinfecting himself. Frequent postmortem duty also makes the Assistant and Civil Surgeons sick and by a letter dated 28.02.2011 and 14.03.2011 the petitioner and other Assistant Surgeons brought the said facts to the notice of the 2nd respondent and has sought for remedial actions. A detailed representation has been given to the District Collector, Thanjavur on 19.03.2011 and 30.08.2011 highlighting the day today problems faced by the non CCS Doctors at the Government Hospitals, due to the exemption granted to CCS under the above stated office memorandum issued by the 2nd respondent.



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9. The exemption granted to the CCS Doctors as per the office memorandum has instead of effectively utilizing their services has only deprived their skill and experience to the benefit of the public. There is qualitative difference between a casualty patient requiring emergent treatment like head injury attended by an Assistant and Civil Surgeon and CCS doctor. The skill and knowledge possessed by a CCS by virtue of their experience would enable them to read an x-ray or CT scan and assess the level of injury to take clinical decisions instantly. The same cannot be done by a Non CCS Doctors who has to refer the patient to a specialty institute, usually the Government Hospital situated at District Head quarters.

10. Similarly, postmortems done in medico legal cases involving poisoning, culpable homicide too warrants experienced Doctors holding the rank of CCS to render an accurate medical report, which plays a vital role in deciding the criminal and accident cases by the Court of law. Further, in view of the exemption granted to CCS, the non CCS Doctors, like the petitioner are squeezed to work for longer hours a day, which may cause error in diagnosing the patient and treating them. Earlier 24 hours duties was done in two shifts.



Writ Petition No.15656 of 2012

But, now one Doctor has to look after round the clock all in-patients in the hospital, casualty cases, postmortem, out-patients etc.,. This has significantly affected the health of the Doctors. As a matter of fact, on 14.02.2012 and 07.03.2012 two doctors suffered fits and chest pain, while discharging their duties. This was brought to the notice of the 3rd respondent by a representation dated 30.04.2012 sent through proper channel. But, no action has been taken till now.

11. Due to the implementation of the above said office memorandum issued by the 2nd respondent, it caused great amount resentment among poor general public and it often causes ruckus, more particularly while a single non CCS Doctor is on 24 hrs duty, he has to attend patients and perform postmortem too. In this regard, a patient and a lawyer at Kumbakonam, Mr.A.Elangovan has sought for certain information from the 4th respondent under RTI Act on 10.06.2011 and 08.11.2011 touching the working pattern of the Govt. District Head Quarters Hospital, Kumbakonam, Thanjavur District and the 4th respondent has confirmed the above said plea of the petitioner.



Writ Petition No.15656 of 2012

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12. The learned counsel for the petitioner would further submit that the 1st respondent in his reply dated 04.05.2011 instead of looking into the consequences caused due to the exemption granted to CCS had once again reiterated that those CCS who have completed 20 years of service have been exempted from attending 24 hrs stay duty, casualty and post mortem duties. Further, adding fuel to the fire, the 3rd respondent has also granted exemption to certain CCS who has experience less than 20 years also. In this regard, the petitioner along with other casualty Doctors have given a representation dated 10.05.2012 to the 1st respondent. But the same went in vain.

13. Under the office memorandum issued by the 2nd respondent such of those Doctors who are promoted and refitted to the post of CCS have been totally exempted from attending crucial duties like casualty duty and postmortem duties and the said office memorandum is not at all backed by statutory authority and the same is arbitrary and irrational.

14. A counter affidavit dated 11.12.2014 has been filed by the respondents, wherein it is stated that as per the office memorandum dated



Writ Petition No.15656 of 2012

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20.12.2010 passed by the 2nd respondent, duties and responsibilities were assigned to the CCS (refitted from Senior Civil Surgeon / Civil Surgeon). According to the circular, all the CCS in non-administrative post (CCS – common) and all the CCS specialists, who have rendered more than 20 years of total service alone were exempted from attending 24 hrs stay duty, casualty and post mortem duty. However, they have to attend the regular duties in OP ward / call duty in the event of mass casualty epidemics, natural calamities and other duties as assigned by the Head of the Institution. It is also stated that all those Senior Civil Surgeon holding administrative post and now, CCS occupying the administrative post alone were exempted from the 24 hrs stay duty, casualty and post mortem duty. As per paragraph No.2 of the office memorandum dated 20.12.2010, in the event of more than one CCS working in the same Institution and completed 20 years of service and available in the same specialty only, the Civil Medical List (CML) senior alone will be granted exemption and all other Chief Civil Surgeons in other specialties have to do duties irrespective of number of years completed.



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15. The learned Additional Government Pleader appearing for the respondents would submit that due to lack of promotion avenues of Doctors who have stagnated more than 20 years of service, Government issued orders in G.O. (Ms). No.354, Health and Family Welfare Department, dated 23.10.2009 and created 1072 numbers of CCS posts for re-fitment purpose. It is quite natural when the Doctors working in the cadre of Senior Civil Surgeon and Civil Surgeon were moved to the Chief Civil Surgeon cadre and therefore, a vacuum was created between the higher and lower cadre. Hence, the work load was eventually shifted to the lower cadre i.e., Assistant Surgeon and this work load is only a temporary phenomena, since new recruitment at entry level was not done at that time. Now after the formation of Medical Services Recruitment Board, a large number of Doctors in the different specialties have been posted to various District Headquarters, Taluk and Non-Taluk Hospitals on priority basis, after assessing the need of the Doctors in scarcity prone areas.

16. He would further submit that in the office memorandum, dated 20.12.2010 the CCS even though completed more than 20 years of service



Writ Petition No.15656 of 2012

have to attend all the duties as assigned by the Head of the Institution. The duty exemption and other special service conditions applicable to CCS will be available to only such officers, who have been promoted through panel seniority as per G.O. (Ms) No.245, Health and Family Welfare (A2) Department, dated 30.10.2013. Further, all the CCSs have to attend duties assigned by the Head of Institutions, except the Chief Civil Surgeons in the administrative post.

17. The learned Additional Government Pleader would further submit that the petitioner who is in the threshold of his career as Assistant Surgeon and just completed 7 years of service resisting to do the duties as assigned to him, in order to evade from his responsibilities and simply blaming the senior doctors for not attending the duties. Having selected to the noble profession, the petitioner should render dedicated services to the poor people even though at some times the work load may be heavier than normal course and it is not justifiable to avoid the duties and responsibilities assigned to them.



Writ Petition No.15656 of 2012

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18. It is further contended that shortage of Doctors in the year 2012 has now been reduced to a considerable extent by appointing new candidates recruited through the Medical Services Recruitment Board. As on date 14 numbers of Assistant Surgeons are working at the Government Headquarters Hospital, Kumbakonam, Thanjavur District and the circular was issued by the 2nd respondent without detrimental to the smooth functioning of the Government Hospitals in rendering public service to the poor public. The District Headquarters Hospital, Kumbakonam being the CEMONC centre, functioning with no shortage of Doctors in the field of Diploma in Gynecology and Obstetrics, Diploma in Child Health, Diploma in Anesthesia. The petitioner is giving false report just to escape from the duties of his post.

19. Further, the learned Additional Government Pleader would submit that various circulars have been issued in super-session to the office memorandum dated 20.12.2010 in which the duty exemption has been restricted to post mortem and casualty duty, only considering their service and age factors. Thus, vide letter dated 18.01.2024, it has been ordered that the CCS are also not exempted from call duty. In support of his submissions, the



Writ Petition No.15656 of 2012

learned Additional Government Pleader drew attention of this Court to the various circulars, which are appended as follows,

- (i) Ref.No.82153/E3/1/2010 dated 20.10.2012,
- (ii) Ref.No.82153/E3/1/2010 dated 17.02.2014,
- (iii) Ref.No.82153/E3/1/2010 dated 10.03.2014,
- (iv) Ref.No.82153/E3/1/2010 dated 23.11.2016 and
- (v) Ref.No.82153/E3/1/2010 dated 25.03.2022,

20. Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the respondents and also perused the material records of the case.

21. Admittedly, the petitioner was working as Assistant Surgeon at Government District Head Quarters Hospital, Kumbakonam, Thanjavur District and he had put in 7 years of service, at the time of filing this Writ Petition. It is the only contention of the petitioner that the persons who have been appointed as CCS were granted exemption in attending 24 hours stay duty, casualty and post mortem duty, vide the office memorandum dated



Writ Petition No.15656 of 2012

20.12.2010 issued by the 2nd respondent. For ready reference, the relevant portion of office memorandum dated 20.12.2010 is extracted hereunder:-

“The duties and responsibilities of CCS may be assigned as follows:-

1. All those CCS in non administrative posts (CCS Common) and all CCS (Specialists) who have put in more than 20 years of total service only may be exempted from attending 24 hours stay duty, Casualty and post-mortem duty. But they have to do all duties in the OP Ward, call duty in the event of mass casualty, epidemics, natural calamities and inadequate man power. They also have to attend duties assigned by the Head of Institution.

2. In the event of more than one CCS who have completed 20 years of service available in the same specialty (including General category). only the CML senior can be exempted and the other CCS in the specialty should do the specified duties. In the event of only a single CCS Specialist available at Taluk/ Non-Taluk Hospitals, he has to attend call



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Writ Petition No.15656 of 2012

duties in respect of their Specialty service.

3. Except those CCS in administrative posts senior most of HOD (CCS Common) all other CCS with less than 20 years of total service should do all duties including stay/ call duties.

4. All CCS and other cadres will have the same OPD and Ward timings.

5. When situation arise, senior mast CCS should come forward to look after administrative post.

6. The Joint Directors are instructed to ensure that the CCS Medical officers who have completed 20 tedats of service only be exempted from 24 hours stay duty, post mortem and casualty.”

22. However, after the above stated office memorandum, number of memorandums were issued on the subject matter of this Writ Petition, and the same are reproduced hereunder:-



Writ Petition No.15656 of 2012

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Ref.No.82153/E3/1/2010

Office of the Director of Medical and
Rural Health Services, Chennai-6
Dated:20-10-2012.

Sub : TNMS - Allocations of duties and responsibilities -
to Chief Civil Surgeons - revised orders - issued

Ref : This Office Ref. No.82153/E3/1/2010 Dd:20-12-10

In supersession to the orders issued in the reference cited the following duty arrangements are made for the Medical Officers who are in the rank of Chief Civil Surgeons as follows:

1. All the Chief Civil Surgeons whether Common or Specialist should do all the duties.
2. All the Chief Civil Surgeons below 25 years of total service except those holding administrative posts should perform all the duties attached to the Hospital.
3. But, the Chief Civil Surgeons above 25 years of service may be exempted from the call duty / Post Mortem duty / Casualty Duty.
4. The Hospital Superintendent of the Headquarters Hospital and the Chief Medical Officer in-charge of the Taluk Hospital will be empowered to assign the duties to all the Chief Civil Surgeons including Chief Civil Surgeons who have put in more than 25 years of service as per the need of the Hospital.
5. In places where Chief Civil Surgeon with more than 25 years of service are working and in that institution where the Assistant Surgeons are less than 7 working, then the Chief Civil Surgeons attached to that hospital has to do the 24 hours duty except casualty. The Hospital Superintendent should monitor this duty arrangement.

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Writ Petition No.15656 of 2012

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: 2 :

This order takes with immediate effect. The Joint Director of Health Services as a Unit Head of the District are requested to monitor the above arrangements properly without any complaint.

Any deviation will be viewed seriously and appropriate action will be taken for the lapses if any found.

Sd/. S. Paranjothi,
Director of Medical and Rural Health Services.

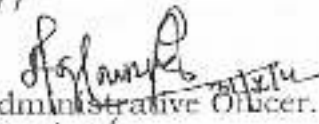
To

All the Joint Director of Health Services in the State
The Director of Medical and Rural Health Services (ESI), Chennai-6
-with request to communicate this order to all the unit office
/hospitals coming under their control for following the instructions
scrupulously without fail.

Copy to:

The Project Director, Tamil Nadu Health System Project, Chennai-6
The Director of Public Health and Preventive Medicine, Chennai-6
All Officers in this Directorate
P&D II section / IC I & II section / E1 & E4 sections
Stock file/spare copy

// true copy // forwarded //


Administrative Officer.
31/12/12



Writ Petition No.15656 of 2012

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Ref.No.82153/E3/1/2010

Office of the Director of Medical and
Rural Health Services, Chennai-6.

Dated: 17/02/2014

Sub: Tamil Nadu Medical Services – Allocation of duties and
Responsibilities to Chief Civil Surgeon – Orders Issued –
Regarding.

- Ref:
1. This office Ref.No.82153/E3/1/2010, dated 20.12.2010.
 2. Note received from the P.D., TNHSP, dated 01.10.12.
 3. This office Ref.No.82153/E3/1/2010, dated 20.10.2012.
 4. W.P No.15656 of 2012 filed by Dr(Sqr.Ldr.) S.B.Rajesh Ram in the High Court of Judicature at Madras.
 5. Govt. Lr.No.34151/A2/2013-1, H&FW Dept. dt.26.9.13.
 6. Representation received from TNGDA, dated 07.10.13.

In supersession to the orders issued in the reference 1st and 3rd cited, the following duty arrangements are made for the Medical Officers who are in the rank of Chief Civil Surgeon as follows:

1. All the Chief Civil Surgeons below 20 years of total service except those holding administrative posts should perform all the duties attached to the Hospital.
2. But, the Chief Civil Surgeons above 20 years of service are exempted from the Call Duty / Post Mortem Duty / Casualty Duty.
3. The Chief Civil Surgeon will do the VIP convoy duty, Medical Board, Camps, Police Battalions, Court Camps, Deputations to look after the duties in other institutions and duties of RMO / Hospital Superintendent etc. (stay duty Medical Officers in General, CEMONC, NICU and Trauma to be avoided for these jobs).
4. The Chief Civil Surgeon should attend the OPD (Timing of OPD 7.30 AM to 01.30 PM) . They should also attend the Evening OP also (Timing 3.00 PM to 5.00 PM).
5. The Medical Officers doing stay duty should be spared and the services of Chief Civil Surgeon to be utilized for routine jobs.
6. In places where the Chief Civil Surgeon with more than 20 years of service are working and in that institution if the no. of Assistant Surgeon are less than 7, then all the Chief Civil Surgeon attached

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Writ Petition No.15656 of 2012

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to that hospital should do the 24 hours duty except casualty. The Hospital Superintendent should monitor the duty arrangement.

7. All the Chief Civil Surgeon are also requested to extend their services in all emergencies for the welfare of the poor public approaching the Government Hospital and for the welfare of the health administration.

This order takes immediate effect. The Joint Director of Health Services as a Unit Head of the District are requested to monitor the above arrangements properly without any complaint.

Any deviation will be viewed seriously and appropriate action will be taken for the lapse if any found.

A.Chandranathan,
Director of Medical and Rural Health Services.

To

All the Joint Director of Health Services in the State.

The Director of Medical and Rural Health Services (ESI), Chennai-6.

- with a request to communicate this order to all the unit office / hospitals coming under their administrative control for following the instructions scrupulously without fail.

Copy to:

The Project Director, TNHSP, Chennai-6.

The Director of Public Health and Preventive Medicine, Chennai-6.

All Officers in this Directorate.

P&D II section / IC I & II / E1 & E 4 sections.

Copy submitted to:

The Secretary to Government,
Health & Family Welfare Department, Chennai-9. – for kind information.

//True copy // forwarded //


Superintendent



Writ Petition No.15656 of 2012

Ref.No.82153/E3/1/2010

Office of the Director of Medical and
Rural Health Services, Chennai-6.

Dated: 10 / 03 / 2014.

Sub: Tamil Nadu Medical Services – Allocation of duties and
Responsibilities to Chief Civil Surgeon – Orders Issued –
Regarding.

Ref: 1. This office Ref.No.82153/E3/1/2010, dated 20.12.2010.
2. Note received from the P.D., TNHSP, dated 01.10.12.
3. This office Ref.No.82153/E3/1/2010, dated 20.10.2012.
4. W.P.No.15656 of 2012 filed by Dr(Sqn.Ldr.) S.B.Rajesh
Ram in the High Court of Judicature at Madras.
5. Govt. Lr.No.34151/A2/2013-1, H&FW Dept. dt.26.9.13.
6. Representation received from TNGDA..dated 07.10.13.
7. Ref.No.82153/E3/1/2010, dated 17.02.2014.

In supersession to the orders issued in the reference 7th cited, the following **Revised Duty Arrangements** are made for the Medical Officers who are in the rank of Chief Civil Surgeon as follows:

1. All the Chief Civil Surgeons below 20 years of total service except those holding administrative posts should perform all the duties attached to the Hospital.
2. But, the Chief Civil Surgeons above 20 years of service are exempted from the Post Mortem Duty / Casualty Duty.
3. The Chief Civil Surgeon will do the VIP convoy duty, Medical Board, Camps, Police Battalions, Court Camps, Deputations to look after the duties in other institutions and duties of RMO / Hospital Superintendent etc. (stay duty Medical Officers in General, CEmONC, NICU and Trauma to be avoided for these jobs).
4. The Chief Civil Surgeon should attend the OPD (Timing of OPD 7.30 AM to 01.30 PM) . They should also attend the Evening OP (Timing 3.00 PM to 5.00 PM).
5. The Medical Officers doing stay duty should be spared and the services of Chief Civil Surgeon to be utilized for routine jobs.
6. In places where the Chief Civil Surgeon with more than 20 years of service are working and in that institution if the no. of Assistant Surgeon are less than 7, then all the Chief Civil Surgeon attached



Writ Petition No.15656 of 2012

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- to that hospital should do the 24 hours duty except casualty. The Hospital Superintendent should monitor the duty arrangement.
7. The Chief Civil Surgeon should do regular call duties when it is warranted by the Assistant Surgeons during natural calamities and in emergencies.
 8. All the Chief Civil Surgeon are also requested to extend their services in all emergencies for the welfare of the poor public approaching the Government Hospital and for the welfare of the health administration.

This order takes immediate effect. The Joint Director of Health Services as a Unit Head of the District are requested to monitor the above arrangements properly without any complaint.

Any deviation will be viewed seriously and appropriate action will be taken for the lapse if any found.

A.Chandranathan,
Director of Medical and Rural Health Services.

To

All the Joint Director of Health Services in the State.

The Director of Medical and Rural Health Services (ES), Chennai-6.

- with a request to communicate this order to all the unit office / hospitals coming under their administrative control for following the instructions scrupulously without fail.

Copy to:

The Project Director, TNHSP, Chennai-6.

The Director of Public Health and Preventive Medicine, Chennai-6.

All Officers in this Directorate.

P&D II section / IC I & II / E1 & E 4 sections.

Copy submitted to:

The Secretary to Government,
Health & Family Welfare Department, Chennai-9. – for kind information.



Writ Petition No.15656 of 2012

WEB COPY Ref.No.25760/E3/1/2016

Office of the Director of Medical and
Rural Health Services, Chennai-6.

Dated: 23 / 11 / 2016.

Sub: Tamil Nadu Medical Services – Duty Exemption in respect of Senior Assistant Surgeon, Civil Surgeon and Senior Civil Surgeon getting pay band IV as Time Bound Promotions and completed 20 years of service – Orders Issued – Regarding

Ref: 1. This office Ref.No.82153/E3/1/2010, dated 20.12.2010.
2. Note received from the P.D., TNHSP, dated 01.10.12.
3. This office Ref.No.82153/E3/1/2010, dated 20.10.2012.
4. W.P.No.15658 of 2012 filed by Dr(Sqn.Ldr.) S.B.Rajesh Ram in the High Court of Judicature at Madras.
5. Govt. Lr.No.34151/A2/2013-1, H&FW Dept. dt.26.9.13.
6. Representation received from TNGDA, dated 07.10.13.
7. Ref.No.82153/E3/1/2010, dated 17.02.2014.
8. This office Ref.No.82153/E3/1/2010, dated 10.03.2014.
9. Representation received from TNGDA, dated 11.04.16.

In continuation of the orders issued already in the reference 8th cited, the following **Duty Arrangements** are made for the Medical Officers who are in the rank of Senior Assistant Surgeon, Civil Surgeon and Senior Civil Surgeon as follows:

1. All the Medical Officer working in the cadre of Senior Assistant Surgeon, Civil Surgeon and Senior Civil Surgeon completed 20 years of service and getting pay band IV as Time Bound Promotions are exempted from the Post Mortem Duty / Casualty Duty, if the number of Assistant Surgeons available are more than 8 (eight) of the concerned institution.
2. They should do all the duties except as mentioned above; they should not avoid duty, other than exemption duty.
3. This order will be withdrawn at any time by the authority if as is necessary.
4. The Hospital Superintendent / Medical Officers of the concerned institutions should monitor the duty arrangements in this regard.
5. All the Medical Officers (Senior Assistant Surgeon, Civil Surgeon and Senior Civil Surgeon) are also requested to extend their



Writ Petition No.15656 of 2012

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services in all emergencies for the welfare of the poor public approaching the Government Hospital and for the welfare of the health administration.

This order takes immediate effect. The Joint Director of Health Services as a Unit Head of the District is requested to monitor the above arrangements properly without any complaint taking into account the orders already issued in reference 5th cited also.

Any deviation will be viewed seriously and appropriate action will be taken for the lapse if any found.

K.Senguttuvan,
Director of Medical and Rural Health Services i/c.

To

All the Joint Director of Health Services in the State.

The Director of Medical and Rural Health Services (ESI), Chennai-6.

- with a request to communicate this order to all the unit office / hospitals coming under their administrative control for following the instructions scrupulously without fail.

Copy to:

The Project Director, TNHSP, Chennai-6.

The Mission Director, National Health Mission, Chennai-6.

The Director of Public Health and Preventive Medicine, Chennai-6.

All Officers in this Directorate.

P&D II section / IC I & II / E1 & E 4 sections.

Copy submitted to:

The Principal Secretary to Government,
Health & Family Welfare Department, Chennai-9. – for kind information.

//True copy // forwarded //

[Signature]
Superintendent
22/11/16



Writ Petition No.15656 of 2012

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Ref.No.25760/E3/1/2016

Office of the Director of Medical and
Rural Health Services, Chennai-6.

Dated: 25.03.2022.

Sub: Tamil Nadu Medical Services – Duty Exemption in respect of Senior Assistant Surgeon, Civil Surgeon and Senior Civil Surgeon getting pay band IV as Time Bound Promotions and completed 20 years of service – Certain instruction - Orders Issued – Regarding.

- Ref:
1. This office Ref.No.82153/E3/1/2010, dated 20.12.2010. ✓
 2. Note received from the P.D., TNHSP, dated 01.10.12.
 3. This office Ref.No.82153/E3/1/2010, dated 20.10.2012. ✓
 4. W.P.No.15656 of 2012 filed by Dr(Sqn.Ldr.) S.B.Rajesh Ram in the High Court of Judicature at Madras.
 5. Govt. Lr.No.34151/A2/2013-1, H&FW Dept. dt.26.9.13.
 6. Representation received from TNGDA., dated 07.10.13.
 7. Ref.No.82153/E3/1/2010, dated 17.02.2014. ✓
 8. This office Ref.No.82153/E3/1/2010, dated 10.03.2014. ✓
 9. Representation received from TNGDA., dated 11.04.16.
 10. This Office Ref.No.25760/E3/1/2016, dated 23.11.2016 ✓

It is to informed that based on the representation received from Tamil Nadu Government Doctors Association, dated : 07.10.2013 vide reference cited. Certain duty arrangement order for the Medical Officer who are in the rank of Chief Civil Surgeon vide reference 7th cited (copy enclosed) and again revised duty arrangement order issued vide reference 8th cited (Copy enclosed) for the Medical Officer who are in the rank of Chief Civil Surgeon.

Further it is also informed that, Certain duty arrangement order has also issued in respect of SAS/CS/SCS for those who are getting Pay Band IV as time bound promotion and completed 20 years of service vide reference 10th cited (copy enclosed).

Now it is noticed that, some of the discrepancy and difficulty has been araised in the duty arrangement for the SCS/CCS in some of the Hospitals. It leads to lot of problem , to provide better health care facilities to the poor public and also faced administrative difficulties in the Hospitals. Therefore, Apart from the duty arrangement order already issued by this office vide reference 7th , 8th and 10th cited, the following duty arrangement are also issued in addition to the order already issued

1. No Medical Officer's irrespective of any cadre (i.e AS/SAS / CS / SCS / CCS) are exempted from call duty.
2. All the Medical Officer's irrespective of any Cadre (i.e AS/SAS / CS / SCS / CCS) should do Morning / evening OP. Except the Medical Officer who are holding Administrative post. However if emergency arises they should also take part to look OP services.

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Writ Petition No.15656 of 2012

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- 2 -

All the Joint Director of Health Services are instructed to strictly adhere the circular issued in the reference 7th, 8th and 10th cited as well as their circular without any deviation

Encl: as above

S. Gurunathan
Director of Medical and Rural Health Services.

To:

All the Joint Director of Health Services in the State

- To circulate all the Chief Medical Officer's under their administrative control with a instruction to strictly adhere the above circular without any deviation.

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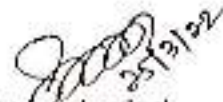
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File No.25670/E3/1/2016

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// True copy /Forwarded//


25/3/22
Superintendent.

25/3/22

23. The respondents in the counter affidavit has stated that the CCS, who have completed more than 20 years of services alone granted exemption of duties and not all others. Even it has been specifically stated that they have to attend the duties as assigned by the Head of the Institution, in exigency of service. Further, the duty exemption and other special service conditions applicable to CCS will be available to only such officers who have been



Writ Petition No.15656 of 2012

promoted through panel seniority as per G.O. (Ms) No.245, Health and Family Welfare (A2) Department, dated 30.10.2013. As per the office memorandum of the 2nd respondent dated 20.12.2010, all the CCS have to attend the duties assigned by the Head of the Institution, except the CCS in the administrative post and all the other CCS with less than 20 years of service are attending all duties including stay duty / call duty in the Government Hospital. **In furtherance to the above office memorandum, the 2nd respondent has issued various memorandums which were extracted supra and the latest is the letter in Ref.No.25760/E3/1/2016 dated 25.03.2022, wherein it is made clear that no Medical Officer's irrespective of any cadre are exempted from call duty and all the Medical Officer's irrespective of any cadre, i.e., AS/SAS/CS/SCS/CCS should do morning / evening OP. Except the Medical Officer, who are holding administrative post. However, if emergency, arises, they should also take part to look OP services.**

24. In view of the above factual matrix of the case, this Court finds that the Letter in Ref.No.82153/E3/1/10 dated 22.12.2010 issued by the 2nd respondent does not warrant interference and the same is hereby confirmed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently



Writ Petition No.15656 of 2012

connected miscellaneous petitions are closed.

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13.03.2024

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
Jer

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

2.The Director of Medical Rural Health Services
Teynampet, Chennai – 600 006.

3.The Joint Director
Medical and Rural Health Services
Thanjavur District
Kumbakonam.

4.The Hospital Superintendent
Govt. District Head Quarters Hospital
Thanjavur District, Kumbakonam.



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Writ Petition No.15656 of 2012

J.SATHYA NARAYANA PRASAD, J.,

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Writ Petition No.15656 of 2012

13.03.2024