



W.P.No.35476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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- 1.Dr.Veeravalli Ravi Prashanth
- 2.Dr.Harshavardhini V.V
- 3.Dr.Sakthimurugan
- 4.Dr.Thasleem Banu. S
- 5.Dr.Subhashini. P
- 6.Dr.Arthi Sundararaman
- 7.Dr.Balaji Shri Vishnu. V
- 8.Dr.Saranya Thanjaivanan
- 9.Dr.R.Pavithra
- 10.Dr.Yedla Pridhvi
- 11.Dr.Pavithra.A
- 12.Dr.Sandhya.S
- 13.Dr.P.Gayathri Devi
- 14.Dr.Balasundaram.R
- 15.Dr.Indumathi.K
- 16.Dr.Usha.J
- 17.Dr.Potedar Chaitanya
- 18.Dr.Damodara Lakshmi A
- 19.Dr.Anitha.B
- 20.Dr.Jala Chandana
- 21.Dr.Jagdish Babu.K.

Vs

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Petitioners

1. The Union of India,
Rep. by the Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.



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2. The Director,
National Board of Examinations,
Ministry of Health and Family Welfare,
Government of India,
NAMS Building, Ansari Nagar,
Mahatma Gandhi Marg,
New Delhi – 110 029.

3. The Joint Director (Health),
Railway Board,
Rail Bhavan,
New Delhi.

4. General Manager,
Southern Railway,
Moore Market Complex,
Chennai – 600 003.

5. The Chief Medical Director,
Southern Railway,
Moore Market Complex,
Chennai – 600 003.

6. The Principal Financial Advisor,
Southern Railway,
Moore Market Complex,
Chennai – 600 003.

7. The Medical Director,
Southern Railway Head Quarters Hospital,
Ayanavaram,
Perambur, Chennai – 23.

8. The Additional Chief Health Director
& DNB Coordinator,
Southern Railway,
Headquarters Hospital,
Ayanavaram, Perambur, Chennai – 600 023.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 3 to 8 to pay stipend to the petitioners with all other applicable emoluments from the date of joining their respective course, on par with their seniors working as Primary and Secondary DNB Doctors in the seventh respondent hospital based on pay level 10 of 7th CPC and in the light of the order dated 24.02.2023 in W.P.No.5481 of 2023 on the file of this Court.

For Petitioners : Mr.Sharath Chandran
For Respondents : Mr.B.RAbu Manoharan
Senior Central Government
Standing Counsel

ORDER

This Writ Petition has been filed for a direction directing the respondents 1, 3 to 8 to pay salary and stipend to the petitioner on par with the emoluments paid to resident Doctors, from the date of joining DNB Course in the seventh respondent Hospital.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The issue involved in the present Writ Petition has already been dealt with a learned Single Judge of this Court in the case



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of ***Jerrin C Joy and others Vs. The Union of India, Ministry of Health***

and Family Welfare and others passed in ***W.P.No.12404 of 2019, dated***

16.03.2020, wherein the respondents were directed to pay salary/stipend

to the petitioners therein on par with emoluments paid to the resident

junior Doctors, from the date of joining in the DNB course, together with

arrears. The relevant portion of the order reads as follows :

“9. In view of the above, the writ petition is allowed and the respondents are directed to pay salary/stipend to the petitioners on par with emoluments paid to the resident junior Doctors, from the date of their joining of the DNB course. Necessary orders shall be passed in this regard, within a period of four weeks from the date of receipt of copy of this order. Arrears of stipend/salary shall be paid to the petitioners, within a period of eight weeks from the date of receipt of copy of this order. The petitioner shall be continued to be paid the salary/stipend on par with the emoluments of the Resident doctors. No costs. Consequently, the connected miscellaneous petition is closed”.

The aforesaid order came to be confirmed by an Hon'ble Division Bench

of this Court in a Judgment passed in W.A.No.212 of 2021, dated

02.03.2021.



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4. By following the aforesaid order passed in W.P.No.12404 of 2019, which has been confirmed by the Hon'ble Division Bench of this Court in W.A.No.212 of 2021, this Court is of the view that the respondents could be directed to consider the claim of the petitioner herein also, who seek for payment of salary and stipend on par with emoluments paid to the resident Doctors from the date of joining DNB course.

5. In the light of the above findings, the petitioner herein is granted liberty to make a fresh representation to the respondents 1, 3 to 8, seeking for payment of salary and stipend, on par with the emoluments paid to the resident Doctors, from the date of joining in the DNB course in the 7th respondent hospital. On receipt of such a representation, the respondents shall consider the same, in the light of the orders passed by this Court in W.P.No.12404 of 2019 dated 16.03.2020 as well as in W.A.No.212 of 2021, dated 02.03.2021 and pass favourable orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

1. The Secretary to Government,
Union of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.

2. The Director,
National Board of Examinations,
Ministry of Health and Family Welfare,
Government of India,
NAMS Building, Ansari Nagar,
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3. The Joint Director (Health),
Railway Board,
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4. The General Manager,
Southern Railway,
Moore Market Complex,
Chennai – 600 003.



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Southern Railway,
Moore Market Complex,
Chennai – 600 003.

6. The Principal Financial Advisor,
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Chennai – 600 003.

7. The Medical Director,
Southern Railway Head Quarters Hospital,
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