



W.P.(MD).No.656 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.656 of 2024

1.A.Sangeetha

2.R.Vinoth

3.B.Thilagam

4.N.Karthikeyan

5.S.N.Dineshkumar

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented 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,
Karur.

... Respondents



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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 in favour of the petitioners along with the arrears from the date of Government order.

For Petitioner : Mr.S.Venkatasubramaniyan

For Respondents : Mr.J.K.Jayaselan
Government Advocate

ORDER

The present writ petition has been filed seeking direction to 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 in favour of the petitioners along with the arrears from the date of Government order.

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



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3. The petitioners are aggrieved by the non-implementation of G.O.Ms.No.293, dated 18.06.2021 issued by the 1st respondent. In view of the same, the writ petitioners have filed this writ petition. The salary of the doctors in the State of Tamil Nadu is comparatively less than the neighboring states and there no proper time bound promotion is available to the doctors and hence, several protests and representations were made in this regard. As a result of which, the 1st respondent issued G.O.Ms.No.354, Health and Family Welfare (B2) Department, dated 23.10.2009 implementing DACP scheme to the doctors of Tamil Nadu. However, instead of giving promotion as recommended by the 5th and 6th Central Pay Commission, the 1st respondent implemented the scheme in a diluted form. As per the recommendation of Central Pay Commission, promotion should be granted on 4th, 9th, 13th and 20th year. But, the State Government has granted time bound promotions in 8th year, 15th year, 17th year and 20th year. In view of the same, several objections were made and as a result of which, G.O.Ms.No.293, Health and Family Welfare (A1) Department, dated 18.06.2021 came to be issued. However, despite passing G.Os by granting few monetary benefits, the same was not implemented in full.

4. Hence, one Dr.Saravana Kumar filed W.P.No.26630 of 2022 before this Court seeking to implement G.O.Ms.No.293, dated 18.06.2021 and this



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Court disposed the same on 26.10.2022 with a direction to consider his claim. Further, in W.P(MD)Nos.8392 & 14397 of 2023, W.P(MD)No.23466 of 2023 and 24249 of 2023, similar orders were passed by this Court on 28.06.2023, 26.09.2023 and 09.10.2023 respectively. In compliance with the aforesaid orders of this Court, as per the direction of the 2nd respondent, the Dean, Government Thiruvannamalai Medical College, Thiruvannamalai vide proceedings, dated 12.03.2023 implemented the Government Order and sanctioned allowance for acquiring PG degree and the 3rd respondent also implemented the Government Order for the doctors working under the 3rd respondent college. The petitioners met the 2nd respondent through their organization and requested him to issue a suitable instruction to implement the said Government Order to all the eligible doctors. However, the same was not considered. Hence, this writ petition came to be filed.

5. The learned counsel for the petitioners drew my attention to all the orders passed by this Court in various writ petitions as discussed supra and sought for granting a similar relief in this writ petition.

6. Per contra, the learned Government Advocate appearing for the respondents submitted that they have not received any representation as of now



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and hence, they are not entitled to seek implementation of the aforesaid Government Orders. In case of them submitting a representation in that aspect, the Government may consider the same.

7. In view of the same, this Court hereby direct the petitioners to submit a representation afresh in detail explaining how they are entitled to request the Government seeking implementation of G.O.Ms.No.293, Health and Family Welfare (A1) Department, dated 18.06.2021 and other related Government Orders within a period of one (1) week from the date of receipt of copy of this order and on receipt of the same, the respondents are directed to consider the same in accordance with law and pass appropriate orders within a period of twelve (12) weeks thereafter.

8. With the above said observations, this Writ Petition stands disposed of. No costs.

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To
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1. The Principal Secretary,
The State of Tamil Nadu,
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.
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L.VICTORIA GOWRI, J.

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