



W.P.(MD).No.20351 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20351 of 2024

and

W.M.P(MD) Nos.17255 and 17257 of 2024

P.Ganesapandian

... Petitioner

Vs.

1. The Director of Medical Education and Research,
Directorate of Medical Education and Research,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.

2. The Dean,
Office of the Dean,
Government Raja Mirasudar Hospital,
Thanjavur.

3. The Dean,
Office of the Dean,
Government Medical College,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order in Ref.No.9375/E1/2014, dated 18.12.2020 passed by the second respondent and quash the same.



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For Petitioner : Mr.M.J.Ameer Hussain

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Post Graduate Degree Holder (Paediatrics) seeking to quash the order dated 18.12.2020, wherein the second respondent has demanded a sum of Rs.35,41,557/- towards breach of bond executed by the writ petitioner to perform his duty until his superannuation.

2. The petitioner herein got admission in MD (Paediatrics) through service quota in Madras Medical College in the year 2009 and he completed the same in the year 2012. While joining the said course, the petitioner has executed a bond agreeing to serve the Government till superannuation and in case of any breach, he would pay a bond amount of Rs.10,00,000/-. After completion of this course, he has joined as an Assistant Professor of Paediatrics Department in the second respondent's Medical College, Thanjavur, on 01.05.2012 and he worked till 31.10.2014. Thereafter, the petitioner has not attended duty.



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3. This has prompted the second respondent to pass the impugned order demanding the proportionate bond amount of Rs.9,10,332/- and also calculating interest for the unserved period of 22 years and 7 months at the rate of interest 13% per annum. Totally a sum of Rs.35,41,557/- has been demanded from the writ petitioner under the impugned order. This order is under challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, though the writ petitioner is obliged to pay the proportionate bond amount, he is liable to pay the interest only from the date of demand and not for the entire unserved period. The learned counsel appearing for the petitioner had relied upon the judgment of this Court in W.P(MD) No.12167 of 2022, dated 13.09.2022, wherein this Court has held that the Doctor is liable to pay the bond amount along with interest from the date of demand and the interest cannot be calculated for the entire unserved period. Hence, he prayed for allowing this writ petition.

5. Per contra, the learned Additional Government Pleader appearing for the respondents extensively relying upon the counter had contended that the



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disciplinary proceedings were initiated as against the writ petitioner, based upon the charge memo dated 07.06.2016, for his unauthorized absence. Despite several notices, he has not appeared and disciplinary proceedings are pending and final orders are yet to be passed.

6. The learned Additional Government Pleader appearing for the respondents further contended that the petitioner has given a letter on 24.07.2023, agreeing to pay a sum of Rs.9,00,332/-. Again, another letter was submitted by the petitioner on 27.10.2023, agreeing to pay the bond amount. Despite that, the petitioner has not come forward to pay the bond amount along with interest. Hence, the impugned order came to be passed and he prayed for sustaining the order impugned in the writ petition.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

8. It is not in dispute that the petitioner has obtained admission in MD Paediatric Course under the service quota, after executing a bond that he would serve in the Government Department till his retirement. It is also not in



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dispute that after serving till 31.10.2014, the petitioner had remained absent unauthorisedly and proceedings have been initiated as against the petitioner for un-authorized absence. In such circumstances, the petitioner though initially agreed to rejoin duty, at a later point of time had come forward to the pay the bond amount along with interest. However, the present impugned order has been challenged only on the ground that the interest is calculated for the entire unserved period.

9. This Court, in Paragraph No. 7 of the order in W.P(MD) No.12167 of 2022, dated 13.09.2022 has held as follows:

“7. It is also beyond dispute that the writ petitioner failed to comply with the bond condition. As per the bond condition, the petitioner was obliged to serve the Government of Tamil Nadu till she attains the age of superannuation. The petitioner would attain the age of superannuation only in 2040. But she had abandoned the Government service in the year 2016 itself. Therefore, the petitioner was obliged to pay the bond amount. The bond condition is that



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the petitioner has to pay a sum of Rs.10 Lakhs together with interest from the date of demand till the date of payment. Nowhere it has been stipulated that interest will be calculated for the remaining period of the writ petitioner's service. In the aforesaid decision relied on by the learned Special Government Pleader, I do not find any such proposition as claimed by the respondents. Therefore, the impugned demand is partly quashed and the writ petitioner has to pay the bond amount of Rs.10 lakhs with interest from the date of demand till the date of payment. This writ petition stands partly allowed."

10. In view of the above said order of this Court, the petitioner is directed to pay the bond amount of Rs.9,10,332/- along with interest at the rate of 13 % p.a., from the date of demand, namely, 18.12.2020 till it is remitted to the Government account by the writ petitioner.



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11. Accordingly, this writ petition stands partly allowed by setting aside the impugned order which demands interest for the entire unserved period. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

20.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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