



W.P. No. 3164 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 3164 of 2018

Vinayaka Mission's Staff Welfare Union

Rep. by its President

Reg. No. 1445/RTU/2006

No.19, 4th Cross, Nehru Nagar

Thalatheru Post, Karikal-609605.

... Petitioner

-VS-

1. Medical Council of India

Rep. by its Secretary

Pocket – 14, Sector 8

Dwaraka, New Delhi – 110077.

2. Management

Vinayaka Mission Medical College and Hospital

NH47, Sankari Main Road

Ariyanorr, Salem – 636308.

3. University Grants Commission (UGC)

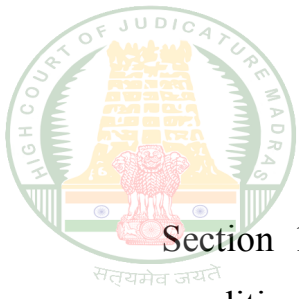
Rep. by its Chairman, Bahadur Shah

Zafar Marg, New Delhi – 110002.

(R3-impleaded as per order dated 04.03.2025 in
in W.M.P. No. 6133/2025 in W.P. No.3164/2025
by this Court)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the first respondent ensure the payment of UGC scale of pay to the non-teaching staff working in the second respondent college in clause (a) and (b) of the sub section (ii) of



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Section 10A of the Indian Medical Council Act and in tune with part (ii) condition No.7 prescribed under the New Medical Colleges opening of higher courses of study and increase of admission capacity in Medical Colleges Regulations, 1993 from the date when the same is payable along with arrears.

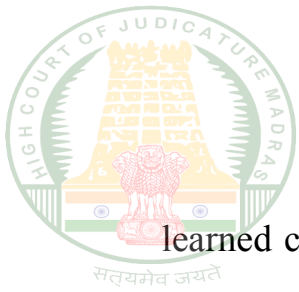
For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Shubharanjani Ananth, SC (R1)
Mr.S.Ravindran, Senior Counsel
For Mr.L.Swaminathan (R2)
R3-Not ready in notice

ORDER

This writ petition has been filed for a direction to the first respondent to ensure the payment of UGC scale of pay to the non-teaching staff working in the second respondent college in clause (a) and (b) of the sub section (ii) of Section 10A of the Indian Medical Council Act and in tune with part (ii) condition No.7 prescribed under the New Medical Colleges opening of higher courses of study and increase of admission capacity in Medical Colleges Regulations, 1993 from the date when the same is payable along with arrears.

2. Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.Shubharanjani Ananth, learned Standing Counsel for the first respondent and Mr.S.Ravindran, learned Senior Counsel assisted by Mr.L.Swaminathan,

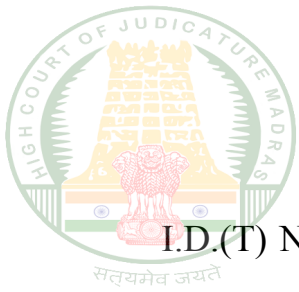


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learned counsel for the second respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. The non-teaching staff working in the second respondent / Vinayaka Mission's Staff Welfare Union are members of the Petitioner Welfare Union. It is claimed by the petitioner that as per the establishment of the New Medical Colleges, Opening of Higher Courses of Study and Increase of Admission Capacity in Medical Colleges Regulations, 1993, the second respondent College has to pay UGC pay scale to the non-teaching staff. Since the petitioner's demand to this effect has not been considered favourably by the second respondent College, this writ petition has been filed seeking appropriate direction against the first respondent to ensure that the second respondent College pays the UGC pay scale to the non-teaching staff working in the Medical Colleges.

4. The learned Senior Counsel appearing for the second respondent College submitted that the third respondent /UGC Commission has stated that they have not fixed any pay structure for the non-teaching staff of the Medical College. In this regard, it is pertinent to refer the industrial dispute already raised by the very same petitioner Union before the Industrial Tribunal, Puducherry in



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I.D.(T) No. 14 of 2009, in which an award has been passed on 08.02.2018. In

the said award also, the learned Presiding Officer of the Industrial Tribunal has made an observation that the petitioner did not produce any pay structure to be payable to the non-teaching staff working in the Medical College. In fact, after having made a detailed discussion, the award has been passed partly by allowing the Industrial Dispute (T) No.14 of 2009. The relevant portion of the said award has been extracted hereunder:-

“17. In the result, petition is partly allowed and the industrial dispute raised by the petitioner union against the respondent management over charter of demands and pay revision on par with the employees of Government Medical Colleges in the revised pay structure of 6th Central Pay Commission is not justified and however Award is passed directing the respondent management to give wage revision to the member of the petitioner union on par with the minimum UGC scale if any fixed by the University Grant Commission from the date of dispute raised by the petitioner union. No cost.”

5. It is for the first respondent /Medical Council to ascertain whether at all any pay has been structure fixed by the UGC for the non-teaching staff of the Medical



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College and whether the award passed in I.D.(T) No. 14 of 2009 is enforceable.

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6. It is the categorical submission of the second respondent College that UGC does not have any pay structure meant for the non-teaching staff of Private Medical Colleges. Unless the petitioner could establish that the UGC has got specific pay structure for the non-teaching staff of the Medical Colleges, they cannot claim a relief, which is either incapable of granting or incapable of enforceable.

7. However, the parties are at liberty to challenge the Industrial Dispute award passed in I.D.(T) No. 14 of 2009, if they are so advised. Since the very same matter has been agitated before the industrial tribunal, the writ petition is not maintainable to once again agitate the same.

8. In the result, this writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.04.2025

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

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R.N.MANJULA, J.

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To

1. The Secretary
Medical Council of India
Pocket – 14, Sector 8
Dwaraka, New Delhi – 110077.
2. The Management
Vinayaka Mission Medical College and Hospital
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3. The Chairman
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Bahadur Shah
Zafar Marg, New Delhi – 110002.
4. The Presiding Officer
Industrial Tribunal, Puducherry.

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