

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.8736 of 2014

ORDER:

The prayer of the petitioners in this writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in stopping the petitioners Ambulance Vehicles that were granted under the National Schedule Tribe Financial Development Scheme in the year 1999 and were hiked to the respective Primary Health centres in Utnoor Division of Adilabad District without any notice and also not paying the arrears of the Hire chargers to the petitioners from November 2011 to December 2013 is totally illegal, arbitrary and violative of the Article 14 of the Constitution of India and consequently direct the respondents to continue to hire the petitioners Ambulance Vehicles that were attached to the respective Primary Health Centres in Utnoor Division of Adilabad District duly taking into consideration that the petitioners Ambulances were being hired since March 1999 and also direct the respondents to pay the arrears of the Hire chargers to the petitioners from November 2011 to December 2013 and to pass such other order or orders as it may deem fit and proper in the circumstances of the case.”

Though the matter was adjourned to enable the learned Assistant Government Pleader to get instructions in writing, she states that she was unable to do so. However, she states that oral instructions have been given by the authorities concerned to the effect that the matter is under consideration and that appropriate orders would be passed in course of time.

Sri L.V.S.Nagaraju, learned counsel for the petitioners, drew the attention of the Court to the proceedings dated 23.01.2014 addressed by the Additional District Medical & Health Officer, Utnoor, Adilabad District, to the Director, Public Health & Family Welfare, A.P., Hyderabad, whereby it was brought out that the pending hire charges of Owner-cum-Driver Jeeps-cum-Ambulances running in Tribal Primary Health Centres for the period October 2011 to December 2013 required release of a budget to the tune of Rs.71,58,000/-. Learned counsel also referred to the

proceedings dated 06.01.2014 whereby the Additional District Medical & Health Officer, Utnoor, Adilabad District, sought release of a budget of Rs.81,84,000/- under the head relating to 'Public Health Services'.

As it is fairly stated by the learned Assistant Government Pleader that the issue is pending consideration before the authorities concerned, this Court is not inclined to adjudicate the matter on merits by inviting a counter-affidavit. It is for the authorities concerned to first apply their minds and clear the pending dues of the petitioners. As the matter has been kept pending since January, 2014, it would be advisable that the said authorities give priority to this issue as the arrears due to the petitioners cannot be kept on hold indefinitely.

Sri L.V.S. Nagaraju, learned counsel, further states that the petitioners are facing penury owing to their amounts being held up by the State.

The writ petition is accordingly disposed of directing respondent Nos.1 and 3 to give priority to the matter on hand and take appropriate action expeditiously and in any event not later than four weeks from the date of receipt of a copy of this order. Insofar as the prayer of the petitioner to continue to hire their vehicles in relation to the Primary Health Centres in Utnoor Division of Adilabad District, it is essentially a policy decision of the State and it shall be open to the State authorities to take a decision in this regard also.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:30.11.2015

GJ