

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No.1149 of 2014

Between:

1. The State of Andhra Pradesh, rep. by Principal Secretary to
Government, Health Medical & Family Welfare Department,
Secretariat, Hyderabad, and others.

PETITIONERS

And

Smt. K. Chinnathalli W/o. B. Venkata Ramana
Presently working as MPHA(F),
Sub Centre Vepagunta of Pendurthi HC,
Visakhapatnam District.

RESPONSENT



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No.1149 of 2014

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The State has come up with the above writ petition challenging an order of the A.P. Administrative Tribunal directing the petitioners herein to pay the salary and other allowances to the respondent for the period from July, 2000 to January, 2004.

2. Heard the learned Government Pleader for Services (A.P.) appearing for the petitioners and Mr. M. Janardhan Rao, learned counsel appearing for the respondent.

3. By an order dated 18.12.2000, the respondent was surrendered from Paderu to Visakhapatnam. Challenging the said order she filed O.A.No.8416 of 2000 before the Tribunal. Though the Tribunal did not stay the said order, the Tribunal disposed of the application by a final order dated 10.01.2001. The operative portion of the said order reads as follows:

“It is the case of the applicant that subsequently a vacancy of Maternity Health Assistant in Community Health Centre, Paderu has arisen and, therefore, a direction may be given to the Respondents to consider her case for posting in the existing vacancy.

Heard the learned Government Pleader.

Considering the submissions made by both the parties, the applicant is directed to file a detailed representation regarding her posting in the existing vacancy at Community Health Centre, Paderu, within one week from the date of the receipt of the copy of this order and on such a representation is filed by the applicant, the respondents are directed to consider the same and pass appropriate orders within a further period of two weeks from the date of the receipt of the representation. With this direction, the MA is disposed of.”

4. Pursuant to the said order, the respondent made a representation on 22.01.2001. On this representation, the District Medical and Health Officer addressed a letter dated 28.02.2001 to the District Coordinator of Hospital Services, seeking information on two questions, which read as follows:

“I therefore request you to furnish following information to take further action at this end.

- i) Interior there is a existing vacancy of Maternity Asst./MPHA(F) at CHC, Paderu or not?
- ii) If there is an existing vacancy, whether you are willing to absorb her, the services of the individual will be surrounded to the Andhra Pradesh Vidya Vidanaparishad on deputation basis for posting as Maty. Asst. at CHC, Paderu.

I request you early reply in this regard.”

5. In response to the said letter, the District Coordinator sent a reply dated 21.04.2001, which reads as follows:

“With response to your letters cited, I have to inform you that there is sufficient staff to run the Hospital, and no necessity for additional staff.

In this connection I have to inform you that the vacant posts may pleased be filled up only selected candidates approved by the Committee for selection of candidates temporarily on contract basis which has to be held on 24/25-04-2001 respectively in the A.P.V.V.P. Hospitals.”

6. Thereafter, the 1st respondent was issued a posting order only on 21.01.2004. Considering the fact that the petitioners did not admittedly pass any order pursuant to the direction of the Tribunal dated 10.01.2001, the Tribunal granted relief to the respondent. The Tribunal was justified in doing so, as the petitioners did not issue any order pursuant to the order of the Tribunal dated 10.01.2001 and the representation dated 21.01.2001 submitted by the respondent. Therefore, we find no merit in the writ petition. Hence the writ petition is dismissed. There shall be no order as to costs.

7. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE U. DURGA PRASAD RAO

7th November, 2016
Js.



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Date: 07-11-2016

Js.