

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.12707 of 2016

29.04.2016

Between:

P.Kalyani

..Petitioner

And

The Director of Public Health and Family Welfare,
Hyderabad, and others

..Respondents

Counsel for the petitioner: Mr.S.Satyanarayana Rao

Counsel for the respondents: Government Pleader for Services (AP)

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, a Head Nurse, succeeded in O.A.No.4061 of 2013 filed before the Andhra Pradesh Administrative Tribunal, Hyderabad – respondent No.6 (for short 'the Tribunal') in challenging her surrender by the Director, RIMS, Srikakulam, *vide* his order, dated 22.05.2013, to the Andhra Pradesh Vaidya Vidhana Parishad, Hyderabad. By order, dated 04.06.2013, the Tribunal, while disposing of the said O.A. directed respondent Nos.1 and 2 therein – respondent No.1 herein and the Regional Director of Medical and Health Services, Visakhapatnam, respectively, to take the petitioner back to the administrative control of the Regional Director of Medical and Health Services, Visakhapatnam. As the said officials have not complied with the said order, the petitioner filed O.A.No.752 of 2016 to declare their action in not allowing her to report to duty under the jurisdiction of the Regional Director of Medical and Health Services, Visakhapatnam as illegal. The said O.A. was dismissed by the Tribunal, by the impugned order, dated 29.02.2016, on the premise that having failed to file a contempt case, the petitioner cannot be permitted to circumvent the procedure by filing another O.A., which is not maintainable. Feeling aggrieved by this order, the unsuccessful applicant filed this writ petition.

On 22.04.2016, the learned Government Pleader for Services (AP) appearing for the respondents submitted that since a review petition was filed against the order, dated 04.06.2013, in O.A.No.4061 of 2013, the said order is not being implemented. While expressing our *prima facie* opinion that the respondents cannot wait for the outcome of the review petition without implementing the aforesaid order, we have adjourned the case to enable the learned Government Pleader for Services (AP) for instructions on implementation of the order, dated 04.06.2013, in O.A.No.4061 of 2013.

Today, at the hearing, the learned Government Pleader for Services (AP), on instructions, has submitted that respondent Nos.1 and 2 have decided to implement the order, in O.A.No.4061 of 2013, by allowing the petitioner to work under the jurisdiction of the Regional Director of Medical and Health Services, Visakhapatnam; that a vacancy is expected to arrive consequent on the retirement of an employee with effect from 30.04.2016 and that the petitioner will be accommodated in that vacancy and positing order will be issued to her in the first week of May, 2016.

The above submissions of the learned Government Pleader for Services (AP) are placed on record and the Writ Petition is, accordingly, disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.15927 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

29th April, 2016
GHN

