

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Appeal No.981 of 2014

Date:29.9.2016

Between:

Dr. M.Ravindranath Reddy,
S/o Late Ramana Reddy

..... Appellant

And:

The Govt of A.P., repled by its
Principal Secretary, Health,
Medical and Family Planning (VC 1)
Department, Hyderabad and three others.

....Respondents

Counsel for the appellant: Mr. V.S.R.Murthy

Counsel for respondent Nos.1 to 3: GP for Medical Health & Family
Planning (AP)

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal arises out of order, dated 22.09.2016, in Writ Petition No.30298 of 2016, whereby the learned single Judge dismissed the Writ Petition on the ground that since Rajiv Gandhi Institute of Medical Sciences, (for short 'RIMS') Ongole, is a semi-autonomous institution, it is governed by Section-38 of Andhra Pradesh Government Medical and Dental Institutions (Conversion into Semi-Autonomous Institutions) Act, 2007 (for short 'the Act').

After hearing the learned Government Pleader for Medical, Health and Family Planning (Andhra Pradesh) appearing for the respondents, we are of the opinion that RIMS, admittedly, being a semi-autonomous institution under the provisions of the Act, the dispute raised by the appellant would not fall within the definition of "service matters" under Section-3(q) of the Administrative Tribunals Act, 1985. Therefore, we are unable to accept the opinion expressed by the learned single Judge that the Writ Petition is not maintainable.

As regards the merits of the case, a perusal of the order impugned in the Writ Petition shows that the contract service of the appellant was terminated on the allegations that he was not present in the department during the duty hours at the RIMS hospital; that he was attending a private hospital, viz., Kamakshi Mother and Child Hospital in the premises bearing

D.No.16-2-540, Surabhiramaiah street, Nellore; and that after taking bio-metric attendance in the morning session, he was causing willful obstruction in implementation of the Government schemes and inconvenience to the hospital administration by disobeying superiors' instructions. The appellant was, accordingly, accused of violating the Code of Conduct Rules.

Though the appellant was in contract service, as his contract is terminated on the allegations which are, undoubtedly, stigmatic in nature, he is entitled to an opportunity of being heard by way of submitting explanation to the show cause notice that has to be issued by the respondents. Since respondent No.2 has arrived at an unilateral conclusion on the afore-mentioned allegations, the impugned termination order cannot be sustained and the same is, accordingly, set aside.

Respondent No.2 is left free to issue a show cause notice to the appellant containing the allegations and the material, if any, in support thereof by giving him sufficient time for submitting his explanation. On receipt of such show cause notice, the appellant shall submit his explanation and also the material, if any, in support of such explanation. Upon considering the explanation, if any, submitted by the appellant, respondent No.2 shall pass an appropriate order and communicate the same to

the appellant. It is needless to observe that till this process is completed, the appellant shall be continued in service.

Subject to the above observations and directions, the Writ Appeal is allowed.

As a sequel to disposal of the Writ Appeal, WAMP.No.2208 of 2016 filed by the appellant for interim relief shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

29th September 2016
DR

