

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.6298 of 2016

Date:26.02.2016

**Between:**

Dr. S.Mohan Babu,  
S/o Lingam

**....Petitioner**

**And:**

The State of Telangana,  
reptd., by its Principal Secretary,  
Health, Medical & Family Welfare (F1)  
Department, Hyderabad and five others.

**.....Respondents**

Counsel for the petitioner: Mr. K.Rama Subba Rao

Counsel for Respondent Nos.1 to 4: GP for Services (TS)

The Court made the following:

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

Under a scheme framed by the erstwhile State of Andhra Pradesh, vide G.O.Ms.No.209, Health, Medical and Family Welfare Department, dated 18.8.2010, 360 Community Health and Nutrition Clusters (CHNCs) across the undivided state of Andhra Pradesh were established

with a view to provide compressive health services to the rural citizens with each CHNC comprising a group of 4 to 10 Primary Health Centres (PHCs) conterminous with a referral hospital.

By Government memo No.12231/F1, dated 13.9.2010, guidelines for redeployment of the posts were issued. The petitioner, who is working as Civil Assistant Surgeon at Community Health Centre, Morthad, was kept in-charge of Senior Public Health Officer (SPDO) of Morthad CHNC. By proceedings, vide Rc.No.253/E1/DM&HO/NZB/2016, dated 19.01.2016, of respondent No.4, respondent No.5, who is SPDO of Dichpally CHNC, was kept in-charge of SPDO of Morthad CHNC. Feeling aggrieved by this proceeding, the petitioner filed O.A.No.287 of 2016 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'). The Tribunal has repelled the plea of the petitioner that under F.R.49(a), a person shall not be appointed to hold substantively, as a temporary measure, or to officiate in more than two independent posts at one time and that, as respondent No.5 was already holding two substantive posts, the proceedings, dated 19.01.2016, appointing him as SPHO of Marthad CHNC is contrary to the said Rule.

At the hearing, Mr. K.Rama Subba Rao, learned counsel for the petitioner, reiterated the plea raised before the Tribunal. We, however, find no merit in this plea.

F.R.49 is mainly deals with the payment to be made to a Government servant holding a post substantively as a temporary measure. If any appointment is made in violation of the said Rule, at best, it could be said that the appointee will not be entitled to pay, by way of additional remuneration, more than what is prescribed under the said Rule. The said Rule does not have the effect of

completely preventing the administration from keeping a person in-charge of more than two posts. In such a situation, a person who is kept in-charge will not be entitled to draw remuneration more than what is prescribed under the said Rule. Further more, admittedly, the petitioner is only a Civil Assistant Surgeon, who, in ordinary course, is not entitled to hold the post of SPHO of Morthad CHNC and therefore, the Tribunal has rightly rejected his plea and dismissed the O.A.

For the above-mentioned reasons, we do not find any merit in the Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.8007 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

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*JUSTICE C.V.NAGARJUNA  
REDDY*

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*JUSTICE M.S.K.JAISWAL*

*26<sup>th</sup> February, 2016  
DR*