

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms JUSTICE J.UMA DEVI

Writ Petition No.4738 of 2017

Order:

The petitioner, who is working as a Programme Officer in the National Health Mission, Hyderabad, which was part of the Andhra Pradesh Vaidya Vidhana Parishad in the combined State, has come up with the present writ petition challenging the inaction on the part of both the Governments in not sending her to the State of Andhra Pradesh after bifurcation, so as to enable her to seek the service benefits of promotion to higher cadres.

2. Heard Dr. K.Lakshmi Narasimha, learned counsel for the petitioner, Mr. Gata Bala Rangaiah, learned Standing Counsel for the 2nd respondent, the learned Assistant Government Pleader appearing for the respondents 3 and 4, and Mr. B.Narayana Reddy, learned Assistant Solicitor General of India.

3. The A.P. Vaidya Vidhana Parishad is one of the divisions of the Health, Medical and Family Welfare Department of the State. This division was actually created as an autonomous body established in terms of a special enactment.

4. The petitioner was originally appointed as a Civil Assistant Surgeon in 1985. Later, she gained promotions to

the posts of Civil Surgeon Specialist (OBG) and District Coordinator of Health Services.

5. In the year 2009 at her request, the petitioner was posted to A.P. Vaidya Vidhana Parishad and she was absorbed into the services of the said institution in October, 2009. In the said institution, she was also promoted as District Coordinator in the year 2010.

6. After coming into effect of the Andhra Pradesh Reorganisation Act, 2014, with effect from 02-6-2014, the petitioner gave an option to go to the State of Andhra Pradesh, which was her native State. In a provisional seniority list drawn by both the States, the petitioner was shown as the senior most. But since the fate of the autonomous body created as one unit in which the post of Commissioner was treated as a State-wide cadre was not clear, no steps were taken by both the Governments for finalizing the options. The posts in this institution did not also fall within the purview of the Kamalnathan Committee. The result is that the petitioner continues to be where she was and her juniors in the State of Andhra Pradesh are scoring a march over her. This in short is the grievance with which the petitioner has come up with the present writ petition.

7. As rightly pointed out by the learned counsel for the petitioner, the cases of the employees of autonomous bodies

are governed by Section 82 of the A.P. Reorganisation Act, 2014, which reads as follows:

“82. Provision for employees of Public Sector Undertakings, etc.:- On and from the appointed day, the employees of State Public Sector Undertakings, corporations and other autonomous bodies shall continue to function in such undertaking, corporation or autonomous bodies for a period of one year and during this period the autonomous body concerned shall determine the modalities for distributing the personnel between the two successor States.”

8. But no steps have been taken to follow Section 82.

Hence, we are of the considered view that the grievance of the petitioner is justified and she is entitled to the reliefs prayed for.

9. Accordingly, the writ petition is allowed directing the respondents to accept the option of the petitioner and take her to the Andhra Pradesh Vaidya Vidhana Parishad and pass appropriate orders within a period of 4 (four) weeks from the date of receipt of a copy of this order. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

08th March, 2017.
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