

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION (TR) No.245 OF 2017

Dated:27.06.2017

Between:

Dr. S. Sudarshan Rao, S/o. S. Somaraju,
aged about 56 years, Occ: Dental Assistant
Surgeon, PHC, Penubally, Khammam District,
R/o.Penubally Village and Mandal,
Khammam District

.. Petitioner

AND

The Commissioner of Andhra Pradesh
Vaidya Vidhana Parishad, Koti,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Petitioner was appointed as Dental Assistant Surgeon vide proceedings dated 14.08.1985, on temporary basis. Subsequently, his services were regularized by proceedings dated 10.11.1989. A reading of the impugned note as well as the pleadings in the Original Application filed by the petitioner before the Andhra Pradesh Administrative Tribunal, Hyderabad, would disclose that the service conditions of the petitioner require him to pass Accounts test for Executive Officers within the period of probation or extended period of probation. It appears, petitioner passed Accounts test in August, 2011. It appears, if the person does not pass Accounts test within the prescribed period, he is not entitled to draw annual grade increments. On verification of the records, the Internal Audit pointed out wrong authorization to draw increments even before passing of the Accounts test and the Audit Team called for explanation from the Medical Officer, CHC, Penubally Village, for granting annual grade increments. The Medical Officer has given undertaking that he would take steps to recover the amount granted to the petitioner. The Commissioner, vide his Memo dated 23.06.2012, directed the Medical Officer to take consequential steps. This Memo is under challenge in this Writ Petition.

2. A bare perusal of the Memo would show that it is an internal correspondence between the Commissioner and the Medical Officer and the note appended to the Memo is also between the Audit

Team and the Medical Officer. It is not in dispute that no show cause notice was issued to the petitioner nor amount was determined and recovery was effected. Thus, there was no cause for the petitioner to initiate proceedings before the Tribunal in O.A., now transferred to this Court. The internal Memo impugned in the Writ Petition cannot give rise to cause of action. Thus, the Writ Petition is liable to be dismissed on the ground that it is premature for the petitioner to initiate proceedings even before appropriate steps are taken.

3. The Writ Petition (TR) is accordingly dismissed leaving it open to the petitioner to work out the remedies available to him as and when a cause of action arises. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition (TR) shall stand closed.

Date: 27.06.2017

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P. NAVEEN RAO, J