

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.20071 OF 2010

ORDER:

Heard the learned counsel for the petitioner; learned Government Pleader for Ministry of Health and Family Welfare and Sri B.Hanumantha Rao, learned counsel appearing for respondents.

2. The present Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“..to issue a writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 3rd Respondent issued in RC.No.1652/NRHM/MMU/2010, dated 09.07.2010 and the consequential order of the 4th respondent passed in Rc.No.2902/A4/MMU/2010, dated 16.07.2010, as illegal, arbitrary and contrary to the National Rural Health Mission framed by the 1st Respondent and consequently direct the Respondents 3 and 4 to continue the Petitioner run mobile medical units.”

3. The averments made in the affidavit filed in support of the writ petition would show that the petitioner, who is running a Mobile Medical Unit, is assisting and catering to the health need of the poor people/economically backward classes residing in remote areas in Nalgonda District. It is stated that in pursuance of the National Rural Health Mission Policy formulated by the Central Government, the 3rd respondent framed certain guidelines for selecting the mobile medical units and the guidelines were being revised every year depending upon the performance of the mobile medical units. In

pursuance of the revised guidelines issued by the 3rd respondent, the petitioner non-governmental organization was selected and is running the mobile medical unit from the year 2007 and even for the year 2010-2011, the contract was renewed and the petitioner is running the mobile medical unit. While so, the 3rd respondent issued the impugned proceedings dated 09.07.2010 directing the District authorities to discontinue the Mobile Medical Units for the year 2010-2011, due to non-approval of NRHM program by the Government of India. As per the communication, dated 23.06.2010, received from the 1st respondent, continuation of Mobile Medical Units for the year 2010-2011 has not been approved in view of the State wide implementation of Fixed Day Health Services (104) scheme and Mobile Health Units are being run to provide primary health care services to the people living in remote, interior and tribal villages. Hence, the 1st respondent has not sanctioned any budget towards operational cost of Mobile Medical Units for the year 2010-2011. It is further stated that in the proceedings dated 23.06.2010 issued by the 1st respondent, nowhere it is directed as mentioned in the impugned proceedings. On the other hand, in clause – 13, it was clearly mentioned that the State shall not make any change in the allocation, among different components/activities without approval of the Government of India. Therefore, it is urged that the reasoning of the 3rd respondent in issuing the impugned proceedings was not correct and the same is contrary to the very guidelines issued by the 3rd respondent, wherein it is clearly mentioned that

the Mobile Medical Units should provide health care in areas which are not covered by 104 mobile health clinics. Hence the present writ petition.

4. This Court while issuing *rule nisi* on 13.08.2010, granted interim suspension of the impugned proceedings.

5. Today when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the 3rd respondent discontinued the Mobile Medical Unit services for the year 2010-2011 and pursuant to the interim direction issued by this Court, the services of the petitioner were continued till February, 2013. He further submitted that the petitioner has not been paid remuneration for the services rendered by him upto 2013.

6. Learned counsel for the petitioner placed on record the order dated 18.04.2017 passed by this Court in Writ Petition No.17497 of 2010, wherein the Commissioner of Health and Family Welfare and Mission Director (NHM), Andhra Pradesh, Amaravathi, has issued proceedings releasing the amounts due to some of the petitioners therein, who was not made any payment. He further submits that since the petitioner herein is also similarly situated, a direction may be issued to the respondents to take steps to release the amounts due to the petitioner, if not already issued.

7. Learned Government Pleader submits that if the petitioner is not paid remuneration for the services rendered by him, the respondents may be directed to take steps in accordance with law.

8. Having regard to the submissions made, the Writ Petition is disposed of directing the respondents to take steps for payment of remuneration due to the petitioner for the services rendered by him, if he is continued till 2013 and if no amounts are paid till date, in accordance with law, as early as possible, preferably within a period of three (03) months from the date of receipt of a copy of this order.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Date:23.08.2017
INL

JUSTICE C. PRAVEEN KUMAR

