

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26841 OF 2017

ORDER:

This petition is filed for a writ of *mandamus* and to set aside the impugned G.O.Ms.No.8, Labour, Employment, Training and Factories (IMS) Department, dated 30.01.2004, in so far as excluding the P.G.Diploma holders for promotion to the post of Special Grade Civil Surgeon in Category-2 of the Telangana Insurance Medical Service Rules, declaring the same as illegal and arbitrary.

It is the case of the petitioners that they were promoted as Civil Surgeon Specialists in the year 2009; that they possess Post Graduation Diploma and have passed all necessary departmental tests and put in minimum service as Civil Surgeon (Specialist) and are fully eligible and qualified to be considered for promotion to the post of Special Grade Civil Surgeon. While so, to resolve the dispute in filling up the post of Director (Category-I), the Government of Andhra Pradesh, as per the directions of the A.P.Administrative Tribunal, has issued G.O.Ms.No.8, Labour, Employment, Training & Factories (IMS) Department, dated 30.01.2004 by amending the A.P.Insurance Medical Service Rules issued in G.O.Ms.No.183, dated 04.05.1996. In the said G.O.Ms.No.8, in addition to the post of Director, the post of Special Grade Civil Surgeon (category-2) was also included without any reason, basis and without any dispute regarding filling up the post of Special Grade Civil Surgeon. By virtue of the

said amendment, the petitioners who are having PG Diploma, discharging duties as Civil Surgeons (Specialist) and who are fully eligible and qualified as per the earlier Rules, are suddenly disqualified for consideration of their claims for promotion to the higher posts. The intention of the Government in introducing amendment to the service rules by G.O.Ms.No.8 is to resolve the dispute in filling up vacancies of Director, but, for extraneous and collateral reasons and without any direction from any judicial forum or without any recommendations from any expert body, Special Grade Surgeon category was included in the said G.O. Thereafter, considering the grievance of the petitioners the then Director of Insurance Medical Services has constituted a committee consisting of expert people and requested the committee to submit report and thereafter the committee has recommended that the P.G.Diploma holders are also entitled to be considered for promotion to the post of Special Grade Civil Surgeons and accordingly necessary amendment to the service rules could be made. Subsequently, the Director of Insurance Medical Services (2nd respondent) by letter vide Rc.No.6575/E1/2017, dated 13.12.2014 reported the recommendations of the expert committee and requested the 1st respondent to amend the Service Rules. But no action has been taken on the same. Meanwhile, promotions are being made to the post of Special Grade Civil Surgeon. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Services on instructions submits that still the issue is pending with the Government (1st respondent).

In view of the aforesaid facts and circumstances, since it is stated that the recommendations made by the expert body were pending before the 1st respondent, the 1st respondent is directed to consider the recommendations made by the expert committee vide Rc.No.6575/E1/2017, dated 13.12.2014, and take action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

24.08.2017
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A.RAJASHEKER REDDY,J

