

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE SEVENTH DAY OF JULY
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No. 22455 OF 2017

Between:

Dr.K.Vivek & Anr. ... Petitioners

V/s.

The State of Andhra Pradesh
Represented by its Principal Secretary,
Department of Health Medl.& Family Welfare,
Gollapudi, Vijayawada & Ors. ... Respondents

Counsel for the Petitioners : Smt.S.Pranathi

Counsel for the Respondents : GP for Services-I [AP]
Sri G.Bala Rangaiah SC for R2

The court made the following: : [order follows]

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
A N D
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No. 22455 OF 2017

ORDER : (*Oral, Per the Hon'ble Sri Justice Suresh Kumar Kait*)

This writ petition is filed by the petitioners invoking the inherent jurisdiction of this Court under Article 226 of the Constitution of India seeking writ of Certiorari, calling for the records relating to and connected with the order dated 15/6/2017 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.1518 of 2017 and the impugned combined transfer of Dental Assistant Surgeons of the second and third respondents and to quash or set aside the same as being erroneous, incorrect, arbitrary, illegal and in violation of Articles 14 and 16 of the Constitution of India and consequently to direct the respondents to effect transfers to the Dental Assistant Surgeons of the second respondent independent of the Dental Assistant Surgeons of the third respondent and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard Smt.S.Pranathi, learned counsel appearing on behalf of the petitioners, learned Government Pleader for Services-I [AP] appearing on behalf of first respondent and Sri Bala Rangaiah, learned standing counsel appearing on behalf of respondent No.2.

3. Vide the present writ petition, the petitioners assailed the order dated 15/6/2017 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No. 1518 of 2017, whereby the O.A. filed by the petitioners was dismissed.

4. The brief facts of the case are that the petitioners are working as Dental Assistant Surgeons at Community Health Centre, Dharmavaram and Tadipatri respectively. They are transferred to Community Health Centres, C.K.Palli and Gooty of the same district on 01/6/2017 as per proceedings of the Commissioner of A.P. Vaidya Vidhana Parishad, Vijayawada. Both the petitioners filed O.A. seeking declaration that the action of the respondents in merging Dental Assistant Surgeons of the Directorate of Public Health and Family Welfare along with the Dental Assistant Surgeons of A.P. Vaidya Vidhana

Parishad for effecting transfers of the year 2017 as illegal, arbitrary and unconstitutional.

5. Learned counsel appearing on behalf of the petitioners submits that clubbing of Dental Assistant Surgeons of the Directorate of Public Health and Family Welfare with Dental Assistant Surgeons of A.P. Vaidya Vidhana Parishad, the petitioners suffered in their seniority for the purpose of transfers and that in case Dental Assistant Surgeons of A.P. Vaidya Vidhana Parishad are transferred separately on separate lists, then the petitioners will be having advantages particularly in seniority.

6. It is not in dispute that originally certain Community Health Centres in various districts were transferred from the control of Directorate of Public Health and Family Welfare to the control of AP. Vaidya Vidhana Parishad by the Government as per order in G.O.Ms.No. 124, Health, Medical and Family Welfare [B-1] Department, dated 13/10/2015, In the said GO, it was clarified as follows :

“Hereafter all the above FRUs/CHCs will be functioning under the control of Commissioner, AP Vaidya Vidhana Parishad. All the service matters and seniority will be maintained and looked after as usually by the Director of Public Health and Family Welfare only.”

6. We note the aforesaid G.O. prescribes maintenance of service matters and seniority usually by the Director of Public Health and Family Welfare only, naturally even in the online counseling for transfers conducted in the department under G.O.Rt.No. 318, Health, Medical and Family Welfare [B-1] Department, dated 06/5/2017, seniority lists have to be prepared jointly and not separately for each of the Directorate and Vaidya Vidhana Parishad.

7. As argued by the counsel for the petitioners that in station seniority will be effected though general seniority may not be effected. We put a specific query to the counsel appearing on behalf of the petitioners that is there any station seniority is maintained by the Department of the petitioners, to which she could not reply, however, repeatedly said that the station seniority of the petitioners would be effected. It is an admitted case of the petitioners that there is no monetary loss to the petitioners and no general seniority would be effected by G.O.Ms.No. 124 as noted above.

8. In view of the above, we find no ground to interfere with the order passed by the learned Tribunal, vide order dated 15/6/2017 passed

in O.A.No. 1518 of 2017, we hereby confirm the same. Finding no merit in the said writ petition and the same is accordingly dismissed. No order as to costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stands closed.

JUSTICE SURESH KUMAR KAIT

JUSTICE U. DURGA PRASAD RAO

07-07-2017
I s L



**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE JUSTICE U. DURGA PRASAD RAO**

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WRIT PETITION No. 22455 OF 2017
[DISMISSED]

*(Order of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)*



Date. 07-07-2017
Court Master: I s L
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