

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18616 OF 2010

ORDER:

Heard the learned counsel for the petitioners; learned Government Pleader for Ministry of Health and Family Welfare, Smt B.Vaijyanthi and Ms. M.Indrani, 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, as illegal, arbitrary and contrary to the National Rural Health Mission framed by the 1st Respondent and consequently direct the 3rd Respondent to continue the NGO's and Petitioners to run the Mobile Medical Units or else to absorb the Petitioners in PHCs.”

3. The averments made in the affidavit filed in support of the writ petition are that the petitioners were engaged to work in the Non-Government Organisation (NGO) i.e., Indian Red Cross Society, Mahabubnagar District Branch, during the year 2006-2007 in various categories. 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 02.08.2010, granted interim suspension of the impugned proceedings.

5. Today when the matter is taken up for hearing, the learned counsel for the petitioners 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 petitioners were continued till February, 2013. He further submitted that the petitioners have not been paid remuneration for the services rendered by them upto 2013.

6. Learned counsel for the petitioners 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 were not made any payment. He further submits that since the petitioners herein are also similarly situated, a direction may be issued to the respondents to take steps to release the amounts due to the petitioners, if not already issued.

7. Learned Government Pleader submits that if the petitioners are not paid remuneration for the services rendered by them, 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 petitioners for the services rendered by them, if they are 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.

JUSTICE C. PRAVEEN KUMAR

Date:23.08.2017
INL

