

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.20521 of 2014

ORDER: (per SK, J)

This Writ Petition was preferred by the State and its Officers aggrieved by the order dated 28.03.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in the vacate stay petition, VMA.No.343 of 2014, filed by them in O.A.No.470 of 2014.

The said O.A. was filed by the first respondent herein questioning the action of the authorities in awarding only two marks to her for rural contractual service rendered in excess of one year though she was initially awarded four marks. Therein, the first respondent also sought interim relief. By order dated 29.01.2014, the Tribunal opined that the break of nine days in the rural contractual service rendered by the first respondent was due to non-issuance of posting orders in time and, therefore, she would be entitled to weightage of four marks. The Tribunal accordingly directed the authorities to restore her merit by giving weightage of four marks for the rural contractual service rendered by her. Aggrieved thereby, the State and its Officers filed

VMA.No.343 of 2014 in the said O.A. By the order dated 28.03.2014, the Tribunal dismissed the VMA. Hence, this Writ Petition.

By order dated 22.07.2014, this Court granted interim suspension of all further proceedings pursuant to the order dated 29.01.2014 passed by the Tribunal in O.A.No.470 of 2014. WVMP.No.2332 of 2014 was filed by the first respondent to vacate the aforestated order.

Heard Sri Andapalli Sanjeev Kumar, learned Special Government Pleader attached to the Office of the learned Additional Advocate General, State of Telangana, for the petitioners, and Sri C. Sai Reddy, learned counsel for the first respondent.

As comprehensive arguments were advanced by both the learned counsel, the Writ Petition is taken up for final disposal.

Though we find merit in the submission of Sri Andapalli Sanjeev Kumar, learned Special Government Pleader, that the Tribunal erred in dismissing the vacate stay petition filed by the State by way of a single line order without recording any reasons, we are not inclined to interfere with the interim order granted by

the Tribunal under order dated 29.01.2014 for the following reasons:

It is not in dispute that the first respondent was appointed as a Medical Officer on contract basis under proceedings dated 22.08.2012 of the District Medical and Health Officer, Medak. She was initially posted at the Primary Health Centre (PHC), Mirzapur, under the said proceedings and the same was subject to the condition that her appointment would be up to a regular Medical Officer is posted or for one year. It is not in dispute that a regular Medical Officer was appointed for this PHC on 18.06.2013. Thereupon, the first respondent was shifted and posted as a Medical Officer at the Government Hospital, Koheer, under proceedings dated 26.06.2013. It is clear from the said proceedings that there was no break in the appointment of the first respondent and she was only shifted to the new location.

In effect, there was only a discontinuation in her services and not a break in her service as contended by the learned Special Government Pleader. It is also relevant to note that the Government issued Memo dated 21.09.2013 in the context of this kind of situation wherein it stated that the contractual service put up by the Medical Officers who are appointed with financial concurrence at the Government level and whose services were

discontinued but not on account of any fault on their part, would be counted for weightage of marks. In that view of the matter, the break of nine days in the rural service rendered by the first respondent, owing to her being shifted from PHC, Mirzapur, to the Government Hospital, Koheer, is squarely covered by the Government's own instructions under Memo dated 21.09.2013. It is also not in dispute that upon her shifting and posting at the Government Hospital, Koheer, the first respondent continued to render services from 28.06.2013 till 21.09.2013 when the certificate was issued. The certificate also records that her services during the contract period were satisfactory.

In that view of the matter, we find no justification for the authorities to reduce the weightage of marks to be awarded to the first respondent for the rural contractual service rendered by her on the ground that there was a break in her service between her posting at Mirzapur and at Koheer. The interim order dated 29.01.2014 therefore does not warrant any interference though the Tribunal ought not to have dismissed the vacate stay petition by way of a cryptic order.

The order dated 29.01.2014 is accordingly upheld and dismissal of VMA.No.343 of 2014 in O.A.No.470 of 2014 is confirmed but for other reasons as stated above.

The Writ Petition is devoid of merit and is accordingly dismissed. Interim order dated 22.07.2014 shall stand vacated.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

19th JANUARY, 2017.

SANJAY KUMAR, J

N. BALAYOGI, J

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