

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

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HON'BLE SRI JUSTICE M. GANGA RAO

+ WRIT PETITION NO.36636 of 2017

% Date: 16-11-2017

Between:

M. Uday Bhaskar, S/o. Samuel,
Assistant Director (Administration),
Guntur General Hospital, Guntur.
(under order fo transfer to RIMS. Srikakulam)

.... Petitioner

And

1. The Superintendent, Government General Hospital, Guntur, Guntur District.
2. The Director of Public Health & Family Welfare, State of A.P. Gollapudi, Vijayawada, Krishna District.
3. The State of Andhra Pradesh, rep. by its Principal Secretary to Government, HM & FW Department, Secretariat, Velagapudi, Guntur District.
4. M. Ratna Raju, Occ: Assistant Director, Guntur General Hospital, Guntur, Guntur District.

... Respondents

! Counsel for the petitioner : Mr. P.V. Krishnaiah

^ Counsel for Respondents : G.P. for Services-I (A.P.)

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> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

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ORDER: (Per VRS,J)

Aggrieved by the refusal of the Tribunal to interfere with an order purported to be an order of transfer, an Assistant Director (Administration) in the Government General Hospital, Guntur has come up with the above writ petition.

2. Heard Mr. P.V. Krishnaiah, learned counsel appearing for the petitioner.

3. By the proceedings dated 05.06.2017, the services of the petitioner, who was working as Assistant Director (Administration) in the Government General Hospital, Guntur, were surrendered to the Director of Public Health and Family Welfare. Thereafter by a further proceeding dated 14.06.2017, the Superintendent of the Government General Hospital, Guntur, was directed to take steps to fill up the post. Accordingly, the said post was filled up by a person by name M. Ratna Rau, by proceeding dated 30.06.2017.

4. Pursuant to the order of surrender dated 05.06.2017, the petitioner reported before the Director on 30.06.2017. Upon such reporting, an order dated 05.07.2017 was passed by the Director of Public Health and Family Welfare, Guntur, posting the petitioner to RIMS College, Srikakulam in the existing vacancy.

5. Challenging the posting order dated 05.07.2017 but not the original order of surrender dated 05.06.2017, the petitioner filed an original application in O.A.No.2277 of 2017. The said application was

dismissed by the Tribunal, with certain reasons, which have come to be assailed in this writ petition.

6. We do not think that we need to go into the validity of the reasons adduced by the Tribunal. The basic fact is that the petitioner did not challenge the original order dated 05.06.2017 by which his services were surrendered. Accepting the order of surrender he also reported on 30.06.2017. Challenging the posting order given thereafter, the petitioner went before the Tribunal. Therefore, he cannot seek to go back to the same place after having failed to challenge the original order. Hence the dismissal of the original application, without going into the validity of the reasons stated by the Tribunal, cannot be interfered with. Hence the writ petition is dismissed. If the petitioner is aggrieved by the place to which he was posted and he wants some other place, it is open to him to make a representation, and upon such representation being made the competent authority shall consider the same and pass orders without being influenced by the reasons contained in the order of the Tribunal.

7. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J.

M. GANGA RAO, J.

16th November, 2017
Js.

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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