

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 1872 OF 2016

ORDER :

This writ petition is filed in the nature of writ of mandamus seeking a declaration against the action of the respondents in not paying salaries to the staff of “Urban Health Centre”, which is run by the petitioner-society as illegal, arbitrary and against Article 14, 15, 16 and 21 of the Constitution of India and consequently sought for a direction to the respondents to pay the salaries from July 2015 till date and continue to pay the salaries from September 2013 till date to the staff of “Urban Health Centre”, run by the petitioners-society.

2. The petitioner has filed an affidavit stating that the petitioner is a “Urban Mahila Development Society”, represented by Smt.K.Vijaya Laxmi. She is the General Secretary of the petitioner-society and she has filed an affidavit stating that under Andhra Pradesh Urban Slum Health Care Project, there are 192 Urban Health Centers set up. Each Center will cater to approximately availability and utilization of health services at 90% of all pregnant women with comprehensive anti-natal services such as; T.T. immunization, regular periodical check-up, vitamin and iron supplements, counselling about nutrition, screening of high risk cases etc.

3. The petitioner-society selected for providing primary health and extension services to the urban slum in the municipality areas in Mahbubnagar/Wanaparthi, vide Proceedings Rc.No. 2868/A-5.FW/UHC/2000, dated 01/8/2000.

4. The authorities have graded the petitioner's-society has granted "A" grade in performance of duties, vide Proceedings No.A8/FW/5598/2007, dated 15/11/2007. The respondents are not paying salaries since November, 2004. The petitioner-society made number of representations and recently on 01/12/2015 they made a representation to the concerned authorities to pay salaries from July 2015 till date and contingencies from September, 2014 till date. It is further stated that the petitioner-society has filed a writ petition against the respondents vide W.P.No. 8382 of 2015 and it was disposed of on 27/03/2015 with a direction to the third-respondent to examine the representation dated 10/3/2015 within a period of one week from the date of receipt of a copy of the order and take decision in accordance with the scheme and the material available on record. Thereafter, the respondents paid salary upto June, 2015 and not paid salary from July, 2015 and contingencies from September, 2015 till date. Therefore, the petitioner-society has filed the present writ petition with a direction to the respondents for payment of salaries.

5. Heard the learned counsel for the petitioner-society and the learned Assistant Government Pleader for Medical and Health [TS].

6. At the out-set it is pertinent to note that the petitioner is a registered society under the name of “Urban Mahila Development Society”. The object of the society was to provide medical facilities to the Urban Population more particularly at the stage of pregnancy. The services rendered by them are stated in the affidavit as referred above. The petitioner-society is facing difficulties of not getting salaries in time. Since salaries are not paid by the respondents, it is very difficult to run the society. The petitioner-society already filed writ petition earlier, vide W.P.No. 8382 of 2015 and a direction was given to the third respondent-District Medical and Health Officer, Mahbubnagar to examine the representation dated 10/3/2015. The petitioner-society was successful in getting the salaries upto June, 2015. Thereafter, from July 2015 the respondents have not paid the salaries and contingencies from September 2014 till date.

7. The claim of the petitioner-society is that the respondents paid salaries upto June 2015 only and they have not been paid salaries from July 2015 till date. The further claim of the petitioner-society is that they have not paid contingencies from September, 2014 till date.

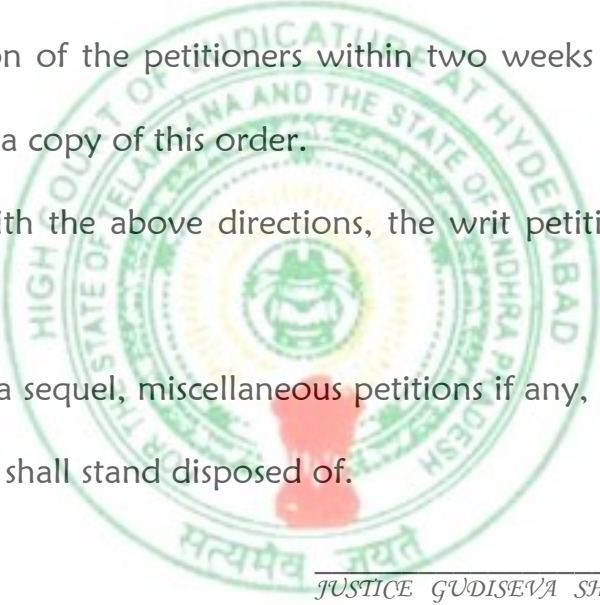
8. The petitioner-society has also submitted a representation to the third respondent on 01/12/2015.

9. The material on record clearly shows that the concerned authorities have to pay salaries as per the scheme. Unfortunately,

the petitioners have to approach the Courts every time seeking a direction to the respondents for consideration of their representation. It is high time for the authorities to realize the necessity of implementation of the scheme, which is a beneficial legislation to the women. It would be appropriate for the authorities to pass orders in accordance with the scheme so that the benefit would reach the beneficiaries under the scheme. Therefore, the respondent-authorities shall take immediate steps for implementation of the scheme by considering the representation of the petitioners within two weeks from the date of receipt of a copy of this order.

10. With the above directions, the writ petition is disposed of. No costs.

11. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand disposed of.


JUSTICE GUDISEVA SHYAM PRASAD

27/04/2018
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