

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19906 OF 2018

DATED :07.08.2018

Between :

Public Health & Medical Employees' Union,
Telangana State, Regd.No.3194, Recognized Union,
Rep., by its General Secretary,
Sri B.Venkateshwara Reddy,
S/o.Sri Chena Krishna Reddy,
Aged about 48 yrs, Occu : Govt. Employee,
R/o.Uppal, Hyderabad.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Health, Medical & Family Welfare,
Secretariat, Hyderabad-22 & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government pleader for Medical, Health & Family Welfare Department for respondents 1 and 2, learned Government Pleader for Labour for respondent No.3 and Sri K.Ram Reddy, learned counsel for respondent No.4.

2. Petitioner is the Public Health & Medical Employees Union in Telangana State. The grievance of the petitioner-union in the writ petition is that the Executive Office Bearers of the petitioner-union were not extended the privileges conferred on them by the Government regarding retention in the place where they are working during the transfer counseling exercise undertaken by the respondents, consequent to lifting of ban on transfers in June 2018.

3. In the transfer counseling process, the executive members of the petitioner-union were disturbed and in their places, others were posted on the ground that they are long standing in the places where they are working by treating them as regular employees and not as representatives of the petitioner-union.

4. Elaborate submissions are made by the learned counsel for the petitioner, learned Government pleader for Medical, Health & Family Welfare Department and Sri K.Ram Reddy, learned counsel for the 4th respondent-Association on the scope of the Government

orders, entitlement of the representatives of the petitioner-union for such consideration, opposing the claim by the rival Association and the stand of the Government with reference to the steps taken for conducting counseling in transfers and the status of the petitioner-union.

5. Now it emerges, after completion of transfer counseling process, there are few vacancies remained unfilled.

6. Learned counsel for the petitioner submits that as there are vacancies available, the petitioner-union is satisfied if the request of the Executive committee members of the petitioner-union in Zone-VI is considered in the existing vacancies. Learned counsel also submits that with reference to the same executive members of the petitioner-union in Zones V & VI there were requests for mutual transfer and those requests may also be considered in giving appropriate posting.

7. Learned Government pleader, on instructions, submits that though the Government does not recognize the petitioner union as the representative of the employees, the Director is inclined to consider the request of the so-called Executive members of the petitioner-union to accommodate in available vacancies. However, learned Government pleader informs the Court that Government has re-imposed ban on transfers and therefore, the Director may have to obtain orders from the Government before considering the request of petitioner-union and undertaking the exercise of accommodating the list of officers representing the petitioner-union.

8. Learned counsel Sri Ram Reddy has not opposed said suggestion of learned counsel for petitioner.

9. Today learned counsel for the petitioner placed before this Court the typed statement of names of persons working in Zone V & VI who are requesting for appropriate posting. A copy of the same was also served on learned Government pleader. Learned counsel for the petitioner submits that the request of the list of employees numbering 17 be directed to be considered favorably for appropriate posting in the existing vacancies / consideration of mutual transfer request.

10. To give quietus to the litigation and in view of the fair submission of learned counsel for petitioner and the Government pleader and the inclination of the Director to positively consider the request to accommodate employees identified by the petitioner-union, the writ petition is disposed of by the following order:

The Director of Public Health & Family Welfare-2nd respondent is directed to consider the request of Sri Y.Narayana, Sri Md. Nazer, Sri Y.V.Ramana, Sri K. Vijayabhasker, Sri A.Satyanarayana, Sri M.Raju, Sri Y.V.Laxminarayana, Sri G.Ganesh Kumar, Sri P.Subbarao, Smt M. Vijayalaxmi and Sri Md.Imtiyazuddin in Zone-VI for posting in the existing vacancies and the request of Sri M.Ramanadham, Sri S.Venkatesham, Smt.V.Jhansi Rani, Sri A.Mallaiah, Sri T.Ramulu and Sri M.Yadagiri for mutual transfer and to take appropriate decision on this issue, as expeditiously as possible, preferably within a period of ten (10) days from the date of receipt of copy of this order. If necessary, he may seek appropriate approval from the Government

for accepting the said request for postings. Pending miscellaneous petitions, shall stand closed.

P.NAVEEN RAO,J

7th August, 2018
Rds

