

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.43397 OF 2017

AND

CONTEMPT CASE No.120 OF 2017

COMMON ORDER:

These two cases are being disposed of by this common order as they arise out of the same cause of action.

The petitioner claims to have studied Cardiology Technician Course and was appointed on 28.11.2009 by the Hospital Development Society, Government General Hospital, Guntur, as ECG Technician on a consolidated remuneration of Rs.1,500/- per month without issuing any appointment order. Thereafter, his remuneration was enhanced to Rs.4,000/- per month. When his services were terminated, he filed W.P.No.20776 of 2016 and this Court disposed of the said writ petition along with other writ petitions by upholding the decision of the competent authority accepting the recommendation of Three-Member Enquiry Committee in respect of the alleged negligent conduct of the petitioner. While disposing of the said writ petition by a common order dated 14.09.2016, this Court gave liberty to the petitioner to submit a representation before the District Collector, who is the Chairman of the Hospital Development Society for considering his case sympathetically taking into consideration the long service rendered by him. Accordingly, the petitioner submitted representations dated 26.10.2016 on 20.01.2017. When the representations of the petitioner were considered and rejected, by order, dated 24.11.2017, the present writ petition is filed.

The contempt case was filed alleging non-compliance with the order dated 14.09.2016 passed in W.P.No.20776 of 2016 and batch.

It appears that on 09.05.2016, a patient with consuming unknown poison was admitted in the casualty of Government General Hospital, Guntur and a Memo was sent to the petitioner, who was working as ECG

Technician, for taking ECG. He appears to have rejected to take ECG and it resulted in a tense atmosphere in the casualty ward. The petitioner rejected to take ECG in spite of requests made by the patient's wife. The statement of the wife of the patient was recorded. An Enquiry Committee was appointed and the Enquiry Committee opined that the petitioner did not follow instructions of his superiors and his behaviour towards patients and Doctors was rude. They recommended for discontinuance of his services. Admittedly, the petitioner was working on outsourcing basis and in view of the report of the Enquiry Committee, his services were dispensed with. Though the petitioner pleaded that he is the only earning member in the family, in the impugned order, it is observed by the Chairman of the Hospital Development Society that even at the time of personal hearing, the petitioner had not shown any repentance for his past conduct and his services are not going to benefit the general public.

This Court gave liberty to the petitioner as well as to the respondents in order to re-consider the earlier decision, in view of the conduct of the petitioner, based on the Enquiry Report. The District Collector and Chairman of the Hospital Development Society gave a personal hearing and came to the conclusion that the services of the petitioner could not be utilized in the interest of the general public. When the second respondent came to such a conclusion, this Court sees no ground to interfere with the opinion expressed by the second respondent based on his personal observations and record.

The writ petition is accordingly dismissed. Consequently, the contempt case is also dismissed. Miscellaneous petitions, pending if any, in these two cases, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

02.01.2018
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