

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.V.M.P. (TR) No.651 of 2017 in
W.P.(TR) No.3697 OF 2017

W.P.No.45010 of 2017 & W.P.No.31236 of 2018

DATED :08.10.2018

W.P.No.45010 of 2017 :

Between :

Smt. T.Sleevamma W/o.K.Jogi Reddy,
Aged about 49 yrs, Occu : Staff Nurse,
R/o.Shayamala Vijetha Towers,
Main Road, Flat No.203,
Musarambagh, Hyderabad & others.

.. Petitioners

And

The Telangana Vaidya Vidhana Parishad,
Rep., by its Commissioner,
State of Telangana,
Hyderabad-500001 & another.

.. Respondents

W.P.No.31236 of 2018 :

Between :

Smt. P.Kasthuri, W/o.M.Subba Rao,
Aged about 47 yrs, Occu : Staff Nurse,
Presently working in C.H.C. Maheswaram,
Ranga Reddy District & others.

.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Health, Medical & Family Welfare Department,
Secretariat, Hyderabad,
Telangana & another.

.. Respondents

This court made the following :

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W.V.M.P. (TR) No.651 of 2017 in
W.P.(TR) No.3697 OF 2017

AND

W.P.Nos.45010 of 2017 & W.P.No.31236 of 2018

COMMON ORDER :

The petitioner in W.P.(TR) No.3697 of 2017 filed O.A.No.2551 of 2015 before the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'). The said O.A., is transferred and renumbered as W.P.(TR) No.3697 of 2017. This case has checkered history and several rounds of litigation.

2. Suffice to note at this stage that petitioner was successful before the Tribunal in O.A.No.2561 of 2012 with reference to assignment of placement of petitioner on absorption in Andhra Pradesh Vaidya Vidhana Parishad for computation of past service rendered in Government prior to absorption. The Tribunal by judgment dated 14.03.2013 held that petitioner is entitled to consider the service rendered by her in the Government service towards determination of seniority. The Vaidya Vidhana Parishad filed W.P.No.27475 of 2013 before this Court against the said decision and the same was dismissed on 21.09.2013. On 23.09.2013 the seniority of the petitioner in W.P.(TR) No.3697 of 2013 was restored by counting the service rendered in Government. But however, petitioner was shown as belonging to Zone-V.

3. Petitioner filed O.A.No.8593 of 2013 against the said placement. She was unsuccessful before the Tribunal and the said O.A., was dismissed. Aggrieved thereby petitioner filed

W.P.No.11598 of 2014. In W.P.M.P.No.14619 of 2014 in W.P.No.11598 of 2014, petitioner not only sought for suspension of the order of the Tribunal but also the proceedings dated 23.09.2013 to the extent of considering the seniority of petitioner in Zone-V instead of Zone-VI. This Court granted interim suspension initially for a limited period and later extended until further orders. The said writ petition is pending consideration of the Division Bench of this Court. While so, the Vaidya Vidhana Parishad published another seniority list on 23.04.2015. In the said list, petitioner's placement is shown in Zone-V at a lower stage ignoring the service rendered prior to her absorption. Petitioner filed O.A.No.2551 of 2015 before the Tribunal challenging the said decision. The Tribunal by order dated 20.05.2015 suspended the seniority list and directed the respondents to consider the application of the petitioner for promotion to the post of Head Nurse in Zone-VI strictly as per her seniority from the date of initial appointment.

4. Petitioners in W.P.Nos.45010 of 2017 and 31236 of 2018 are aggrieved by non-consideration of their claims for promotion as Head Nurse for the last more than three years and sought for direction to consider them for promotion.

5. According to learned Standing counsel, in view of the interim suspension of seniority list dated 23.04.2015, no promotions are taken up in Zone-VI.

6. As fairly submitted by learned counsel for the petitioner in W.P.(TR) No.3697 of 2017, the only grievance of the petitioner is consideration of petitioner for promotion as Head Nurse by

counting the service rendered in Government and treating her as belonging to Zone-VI.

7. As noted above, petitioner in W.P. (TR) No.3697 of 2017 has an order in her favour in O.A.No.2561 of 2012 regarding computation of past service. The service was computed and on absorption petitioner was treated as belonging to Zone-VI. An assertion was also made to that extent before the Tribunal by the Vaidya Vidhana Parishad initially and contrary to the interim orders passed by this Court in W.P.No.11598 of 2014, petitioner is shown as belonging to Zone-V.

8. Having regard to the facts noted above and the orders of this Court and the Tribunal earlier made, the interim stay on seniority list made in O.A.No.2551 of 2015 is vacated and the Vaidya Vidhana Parishad is at liberty to affect promotions to the post of Head Nurse cadre in Zone-VI. However, while considering promotions to the Head Nurse, the petitioner in W.P.(TR) No.3697 of 2017 is entitled to be considered for promotion treating her as belonging to Zone-VI by counting the past service rendered in the State Government service prior to absorption.

9. Accordingly, the W.V.M.P. (TR) No.651 of 2017 in W.P (TR) No.3697 of 2017, W.P.Nos.45010 of 2017 and 31236 of 2018 are disposed of. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

08th October, 2018
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