HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 3149 OF 2020

Between:

K. Kalpana Sree, W/o. K.Rajasekhar, aged 53 years Occ. MPHA (F), Mother and Child Hospital Janagaon, Janagam District.

...PETITIONER

AND

1. The District Medical and Health Officer, Janagaon District at Janagon.
2. The Commissioner of Family Welfare, State of Telangana, Koti, Hyderabad
3. The State of Telangana, rep. by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declare the inaction of the 1st respondent in transferring the petitioner from Mother and Child Hospital (MCH), Jangaon to UPHC Jangaon vide Memo Rc.No.CC/Spl/2020, dated: 21-01-2020 as highly illegal and arbitrary and consequentially the Hon'ble Court may pleased to set aside the impugned orders dated 21/01/2020 by declaring that the petitioner is entitled to be posted at UFWC, Jangaon as MPHA(F) and pay the salaries with arrears.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspending the impugned order vide Rc.No.CC/Spl/2020, dated 21-01-2020, with a further direction to continue the petitioner at MC Hospital, Jangaon or UFWC, Jangaon by and

Counsel for the Petitioner: SRI M.R. TAGORE

Counsel for the Respondents: GP FOR SERVICES-II

The Court at the admission stage made the following: ORDER

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3149 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel for the respective parties.

This Writ Petition is filed seeking the following relief:

> ".... this Hon'ble Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declare the inaction of the 1st respondent in transferring the petitioner from Mother and Child Hospital (MCH), Jangaon, to UPHC, Jangaon, vide Memo Rc.No.CC/Spl/2020, dated 21.01.2020, as highly illegal and arbitrary, and consequently, the Hon'ble Court may pleased to set aside the impugned orders dated 21.01.2020 by declaring that the petitioner is entitled to be posted at UFWC, Jangaon, as MPHA(F) and pay the salaries with arrears and to pass such other order or orders ...."

Heard Sri M.R. Tagore, learned counsel appearing for the petitioner, and the learned Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioner that she is working as a Multi-Purpose Health Assistant (Female) at Urban Family Welfare Centre (UFWC), Jangaon. Later, she

was posted to work on deputation at Mother and Child Health (MCH), Jangaon, vide proceedings Rc.No.Spl.E1/2018, dated 21.08.2018 issued by respondent No.1. While she was working on deputation at Mother and Child Health (MCH), Jangaon, the respondents have cancelled the said deputation vide Memo Rc.No.CC/Spl/2020, dated 21.01.2020 and posted the petitioner to work at Urban Primary Health Centre (UPHC), Jangaon, instead of posting her at her original place of working at Urban Family Welfare Centre (UFWC), Jangaon. The petitioner further contended that she underwent a major heart surgery and she cannot travel long distances. Therefore, the petitioner has submitted a representation dated 10.02.2020 requesting the respondents to post her at the original place of working i.e., at Urban Family Welfare Centre (UFWC), Jangaon, instead of posting her at Urban Primary Health Centre (UPHC), Jangaon. When the respondents have not considered the said representation dated 10.02.2020, the petitioner has filed the present writ petition.

Learned counsel for the petitioner, therefore, contended that the writ petition be disposed of directing the respondents to consider the representation dated 10.02.2020 submitted by the petitioner and pass appropriate orders in accordance with law.

On the other hand, learned Government Pleader for Services-II appearing for the respondents had drawn attention of this Court to page Nos.3 and 4 of the counter affidavit, wherein the respondents have specifically stated that the petitioner's deputation was cancelled from Mother and Child Health (MCH), Jangaon, and she was posted at her original place of working at Urban Primary Health Centre (UPHC), Jangaon, which was earlier known as Urban Family Welfare Centre (UFWC), Jangaon. He further contended that the writ petition filed by the petitioner is a frivolous one as the relief sought by the petitioner has already been granted by the respondents vide impugned proceedings dated 21.01.2020 and, therefore, the grievance of the petitioner no longer survives. However, since the petitioner has submitted a representation dated 10.02.2020, the respondents would consider the same and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel for respective parties, this Court is of the considered view that a perusal of page Nos.3 and 4 of the counter affidavit filed by the respondents would disclose that the grievance of the petitioner has been resolved, as the petitioner's deputation was cancelled from Mother and Child Health (MCH), Jangaon, and she was posted at her original

place of working at Urban Primary Health Centre (UPHC), Jangaon, which was earlier known as Urban Family Welfare Centre (UFWC), Jangaon.

Be that as it may, since learned Government Pleader appearing for the respondents had contended that the respondents would consider the representation dated 10.02.2020 submitted by the petitioner, this Court is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 10.02.2020 submitted by the petitioner and pass appropriate orders in accordance with law within a reasonable period, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, this Writ Petition is disposed of. No order as to costs.

Consequently, Miscellaneous Petitions, if any pending, shall stand closed.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The District Medical and Health Officer, Janagaon District at Janagon.
2. The Commissioner of Family Welfare, State of Telangana, Koti, Hyderabad
3. The Principal Secretary, Health, Medical and Family Welfare Department, State of Telangana, Secretariat, Hyderabad.
4. One CC to Sri. M.R. Tagore, Advocate [OPUC]
5. Two CCs to GP for Services-II, High Court for the State of Telangana. [OUT]
6. Two C.D. Copies

Prk

HIGH COURT

DATED:22/12/2020

ORDER

WP.No.3149 of 2020



Disposing of the WP.
at the admission stage
without costs.

ASM
8/1/2021