

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION (TR) NO: 442 OF 2017

Between:

T.GOPAL RAM, S/o Bhakthiram, aged 50 years, Occ: Senior Assistant CHNC
Kamalapur, Karimnagar District

...PETITIONER

AND

1. The Government of Andhra Pradesh rep. by its Principal, Secretary, Health Medical and Family Welfare Department Secretariat, Hyderabad.500022
2. The Director of Health and Family Welfare, Government of A.P. Koti, Hyderabad. 500001
3. The Regional Director Medical and Health Services, Zone-V, Warangal.502001
4. The District Medical and Health Officer Karimnagar District, at Karimnagar. 505001

...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 declare the impugned action of the respondents in not completing the enquiry in pursuance to the charge Memo vide G.O.Rt.No.115, Health Medical & Family Welfare (VC.1(1) Department, dated 29-01-2007 as highly illegal, arbitrary and contrary to the guidelines issued by the Government and consequentially, this Hon'ble Court may be pleased to quash the impugned G.O.Ms.No.115, dated 29-01-2007 and consequentially direct the respondents to regularize the service of the applicant in the cadre of Senior Assistant and promote as Superintendent on par with his juniors with all consequential benefits.

I.A. NO: 1 OF 2017(WVMP(TR). NO: 89 OF 2017)

Between:

1. The Government of Andhra Pradesh rep. by its Principal, Secretary, Health Medical and Family Welfare Department Secretariat, Hyderabad.500022
2. The Director of Health and Family Welfare, Government of A.P. Koti, Hyderabad. 500001
3. The Regional Director Medical and Health Services, Zone-V, Warangal.502001
4. The District Medical and Health Officer Karimnagar District, at Karimnagar. 505001

...APPLICANTS/RESPONDENTS

AND

T.GOPAL RAM, S/o Bhakthiram, aged 50 years, Occ: Senior Assistant CHNC Kamalapur, Karimnagar District

...RESPONDENTS/APPLICANT

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 vacate the interim orders passed in O.A.No. 2610 of 2013 24-04-2013.

Counsel for the Petitioner: SRI M.R. TAGORE

Counsel for the Respondents: GP FOR SERVICES - II

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION (TR) No. 442 OF 2017

ORDER:

The present writ petition(TR) is filed to declare the impugned action of the respondents in not completing the enquiry in pursuant to the charge Memo vide G.O.Rt.No.115, Health Medical & Family Welfare (VC.1(1) Department, dated 29.01.2007 as illegal, arbitrary and contrary to the guidelines issued by the Government and consequently this Hon'ble Court may be pleased to quash the impugned G.O.Rt.No.115, dated 29.01.2007, and direct the respondents to regularize the service of the applicant in the cadre of Senior Assistant and promote as Superintendent on par with his juniors with all consequential benefits.

2. Today when the matter has been taken up for hearing, learned counsel for the petitioner submits that the then Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') passed the interim order dated 22.04.2013, reads as:-

"Pending disposal of the OA, the respondents are directed to consider the case of the applicant for promotion to the post of Superintendent without reference to the Charge Memo issued vide G.O.Rt.No.115, Health Medical & Family Welfare (VC.1(1)) Department dated 29.01.2007."

It is further submitted that pursuant to the interim order, dated 22.04.2013, respondent No.3, has passed the speaking order, dated 07.05.2013, stating that the case of the petitioner for promotion to the post of Office Superintendent would be considered as and when the vacancies of Office Superintendents arise in Zone-V, Warangal.

3. Learned counsel for the petitioner submits that inspite of several efforts, he has no instructions from the petitioner and further submits that in the light of the speaking order, dated 07.05.2013, passed by respondent No.3, the case of the petitioner might have been considered and prays this Court to dispose this writ petition (Tr).

4. Learned Government Pleader for Services-II appearing for respondents submits that since 9 years have passed to the speaking order, dated 07.05.2013, of respondent No.3, the case of the petitioner would have been considered and this writ petition (TR) may be disposed.

5. In view of the submission made by the learned counsel for the petitioner and learned Government Pleader for services-II, this Writ Petition (TR) is disposed of, directing the respondent authorities to consider the case of the petitioner, in terms of the

interim order, dated 22.04.2013, passed by the Tribunal for promotion to the post of Superintendent without reference to the Charge Memo issued vide G.O.Rt.No.115, Health Medical & Family Welfare (VC.1(1)) Department dated 29.01.2007, if the same is not considered.

6. Miscellaneous applications, if any pending, shall stand closed. No order as to cost.

//TRUE COPY//

SD/- M.MANJULA
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Principal, Secretary, Health Medical and Family Welfare Department Secretariat, The Government of Telangana, Hyderabad.500022
2. The Director of Health and Family Welfare, Government of T.S. Koti, Hyderabad. 500001
3. The Regional Director Medical and Health Services, Zone-V, Warangal.502001
4. The District Medical and Health Officer Karimnagar District, at Karimnagar. 505001
5. One CC to SRI M.R. TAGORE, Advocate [OPUC]
6. Two CCs to GP FOR SERVICES - II, High Court for the State of Telangana. [OUT]
7. Two CD Copies

BN



HIGH COURT

DATED:05/12/2022



ORDER

WP(TR).No.442 of 2017

DISPOSING OF THE WRIT PETITION (TR)
WITHOUT COSTS

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