

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

**MONDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 21405 OF 2024

AND

CONTEMPT CASE NO.2274 OF 2024

W.P.NO.21405 of 2024

Between:

N.Suchartha, W/o Sarotham Reddy, Aged about 53 years, Occ ; Pharmacist Gr-II,
At PHC Pagidipally, Warangal District.

.....PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Medical Health and Family Welfare Department, Dr. B.R. Ambedkar Telangana Secretariat, Hyderabad - 500 022.
2. The Director, Public Health and Family Welfare, Government of Telangana, Hyderabad.
3. The District Medical and Health Officer, Warangal District.
4. The District Medical and Health Officer, Hanumakonda District.
5. The District Medical and Health Officer, Mahabubbad District.
6. The Superintendent, M.G.M Hospital, Warangal.

.....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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare impugned proceedings Rc.No .7253 / E4 .II.G / Zone-IV/ 2024 Dt. 31-07- 2024 of the 2nd respondent as illegal,

arbitrary and violative enforceable guidelines issued in G.O.Ms.No.80 Dt.03-07-2024 and set-aside the same and consequently direct respondents to continue the petitioner at PHC, Pagidipalli, Warangal District.

I.A.NO:1 OF 2024

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 suspend the impugned Rc.No.7253/A4.II/G/Zone-IV/2024 Dt.31-07-2024 of the 2nd respondent while directing the respondents to continue the petitioner at PHC, Pagidipalli, Warangal District, pending disposal of writ petition.

I.A.NO:2 OF 2024

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 direct the respondents to take all those necessary steps to draw and pay me the salaries and allowances payable for the month of Aug, 2024 and continue to draw and pay the same every month, in the interest of justice.

I.A.NO:3 OF 2024

Between:

1. The State of Telangana, rep. by its Principal Secretary, Medical Health and Family Welfare Department, Dr. B.R. Ambedkar Telangana Secretariat, Hyderabad - 500 022.
2. The Director, Public Health and Family Welfare, Government of Telangana, Hyderabad.
3. The District Medical and Health Officer, Warangal District.
4. The District Medical and Health Officer, Hanumakonda District.
5. The District Medical and Health Officer, Mahabubbad District.
6. The Superintendent, M.G.M Hospital, Warangal.

AND

.....PETITIONERS

N.Sucharitha, W/o Sarotham Reddy, Aged about 53 years, Occ ; Pharmacist Gr-II,
At PHC Pagidipally, Warangal District.

.....RESPONDENT

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 dated 07.08.2024 in I.A.No.1 of 2024 in W.P.No.21405 of 2024.

Counsel for the Petitioner : SRI K.RAM REDDY

Counsel for the Respondents : GP FOR SERVICES - I

C.C.NO: 2274 OF 2024

Between:

N.Sucharitha, W/o Sarotham Reddy, Aged about 53 years, Occ Pharmacist Gr-II, At PHC Pagidipally, Warangal District.

AND

....PETITIONER/PETITIONER

1. Dr.Ravindra Naik, Director, Public Health and Family Welfare, Government of Telangana, Hyderabad.
2. Dr.K.Venkat Ramana, District Medical and Health Officer, Warangal District.

.....RESPONDENTS/RSPONDENTS

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may be pleased to summon and punish the respondents herein for their willful and deliberate disobedience of the orders of this Hon'ble Court made in W.P. No. 21405 of 2024 dated 23-09-2024 passed icy his Lordship's Hon'ble Sri. Pulla Karthik in the interest of justice.

Counsel for the Petitioner : SRI K.RAM REDDY

Counsel for the Respondents : G.P FOR SERVICES - I

The Court made the following COMMON ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.21405 of 2024

and

CONTEMPT CASE No.2274 of 2024

COMMON ORDER:

Since the *lis* in these cases is inter-connected, they are heard together and are being disposed of by this common order.

2. W.P.No.21405 of 2024 is filed seeking the following relief:

"...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned proceedings Rc.No.7253/ E4.H.G/Zone-IV/2024 Dt:31-07-2024 of the 2nd respondent as illegal, arbitrary and violative enforcement guidelines issued in G.O.Ms.No.80 Dt:03-07-2024 and set-aside the same and consequently direct respondents to continue the petitioner at PHC, Pagidipalli, Warangal District and to grant..."

3. Heard Sri K. Ram Reddy, learned counsel appearing for the petitioner in both the Writ Petition as well as the Contempt Case, and learned Government Pleader for Services-I, appearing on behalf of the respondents.

4. Learned counsel for the petitioner submitted that while the petitioner was working as Pharmacist Grade-II at Mahatma Gandhi Memorial Hospital, Warangal, during the general transfers in pursuance of G.O.Ms.No.80 dated 03.07.2024, she was initially

transferred and posted at Primary Health Centre, Kadipikonda, Hanumakonda District, vide proceedings dated 27.07.2024. Thereafter, on 28.07.2024, the respondents have issued proceedings, transferring and posting her at Primary Health Centre, Pagidipally, Warangal District, which was said to be in partial modification of the earlier transfer order. In pursuance of the same, the petitioner reported at Primary Health Centre, Pagidipally, on 30.07.2024, and her reporting letter was also endorsed by the officer concerned. While so, the respondents have issued the present impugned proceedings dated 31.07.2024, once again modifying the petitioner's earlier transfer order dated 28.07.2024, and posted her at Primary Health Centre, Marripeda, Mahabubabad District. Learned counsel contended that the said orders modifying the earlier transfer of the petitioner were said to have been issued on the ground that the initial transfer and posting of the petitioner is contrary to the guidelines issued by the Government in G.O.Ms.No.80 dated 03.07.2024, more particularly, at paragraph 6-C of the said G.O. However, it is further contended that the petitioner cannot be penalized by way of multiple transfers for the lapses on the part of the respondents. Therefore, learned counsel for the petitioner prayed this Court to set aside the impugned order dated 31.07.2024 and sought a direction to the

respondents to continue the petitioner in service at Primary Health Centre, Pagidipally, Warangal District.

5. Learned Government Pleader for Services-I, on instructions, submitted that the petitioner was initially working at Mahatma Gandhi Memorial Hospital, Warangal, which is a focal-area. Therefore, during the General Transfers-2024, she was posted at Primary Health Centre, Kadipikonda, Hanumakonda District, vide proceedings dated 27.07.2024. However, since it was found to be a focal-area, and transfer from focal to focal area is contrary to G.O.Ms.No.80 dated 03.07.2024, the proceedings dated 28.07.2024 were issued to her, transferring and posting her at Primary Health Centre, Pagidipally, Warangal District. However, the said place was also a focal-area. Therefore, the petitioner's transfer was once again modified and the impugned proceedings dated 31.07.2024 were issued, transferring and posting the petitioner at Primary Health Centre, Marripeda, Mahabubabad District, which is a non-focal area. As such, the petitioner's transfer falls in line with the guidelines issued in G.O.Ms.No.80 dated 03.07.2024. Hence, there is no illegality in issuing the present impugned order dated 31.07.2024. Therefore, it is prayed to dismiss the present writ petition.

6. At the time of admission, on 07.08.2024, this Court directed the respondents to continue the petitioner in the present place of work i.e., Primary Health Centre, Pagidipally, Warangal District, till the next date of hearing, and the said orders have been extended periodically, until they were made absolute on 23.09.2024.
7. Today, learned counsel contends that despite the interim order of this Court and even when the petitioner had reported to duty at Primary Health Centre, Pagidipally, Warangal District, she is not permitted to join and discharge her duties. It is further contended that the petitioner is also not being paid salaries since 07.08.2024. Therefore, learned counsel once again seeks indulgence of this Court.
8. On the other hand, learned Government Pleader contends that the continuation of the petitioner at Primary Health Centre, Pagidipally, Warangal District, is contrary to the guidelines issued in G.O.Ms.No.80 dated 03.07.2024, and he has placed on record a copy of the list of focal and non-focal vacancies available in Hanumakonda and Warangal Districts.
9. Having heard the learned counsel for the respective parties and on perusal of the record, it is evident that during the general

Transfers-2024, the respondents failed to properly identify and notify the focal and non-focal areas prior to providing the petitioner with an opportunity to opt a place for her transfer. As such, the petitioner initially opted for transfer to Primary Health Centre, Kadipikonda, Hanumakonda District, and was subsequently transferred and posted at that place vide proceedings dated 27.07.2024. However, the said transfer was modified vide proceedings dated 28.07.2024, on the ground that her initial transfer was from one focal area to another. At this juncture, the respondents ought to have transferred the petitioner to a non-focal area. Instead, they transferred the petitioner to another focal area i.e., Primary Health Centre, Pagidipally, Warangal District, where the petitioner reported to duty on 30.07.2024. The respondents then further modified her transfer once again vide impugned order dated 31.07.2024, on the same ground that it was yet again a focal-to-focal transfer. Had the respondents properly provided a list of focal and non-focal areas while obtaining options from the petitioner, she could have opted her place of choice from the said list. However, in the failure of such an arrangement, this Court is of the view that the petitioner cannot be penalized for the procedural errors on the part of the respondents.

10. In similar circumstances, this Court disposed of W.P.No.20284 of 2024 vide order dated 10.12.2024, permitting the petitioners therein to make a representation to the respondents for redressal of their grievance, and directed the respondents to pass appropriate orders thereon, duly taking into account the availability of vacancies.

11. In the peculiar facts and circumstances of the case, to meet the ends of justice, this Court deems it appropriate to permit the petitioner to make a fresh representation to the respondents, duly exercising her options for transfer from the list furnished by the learned Government Pleader for Services-I, within a period of one (01) week from the date of receipt of a copy of this order. On receipt of such representation from the petitioner, the respondents shall consider the same and pass appropriate orders as to posting of the petitioner, strictly in accordance with law, however, without reference to impugned order dated 31.07.2024, as expeditiously as possible, preferably within a period of (03) weeks thereof, and communicate a copy of the same to the petitioner. This Court also deems it fit and proper to further direct the respondents to pay the petitioner salaries for the interregnum period w.e.f., 30.07.2024 till the issuance of a fresh posting order.

12. With the above directions, the Writ Petition is disposed of.
13. Insofar as C.C.No.2274 of 2024 is concerned, the respondents have specifically pleaded that the interim order of this Court dated 23.09.2024 in W.P. No.21405 of 2024 could not be complied with, in view of the legal hurdles, but not wantonly. Further, the respondents have also filed a vacate stay petition in the Writ Petition seeking to vacate the interim order itself. Therefore, there is absolutely no wilful disobedience on the part of the respondents as alleged by the petitioner.
14. Having satisfied with the above made submissions, this Court is of the view that the petitioner has failed to make out wilful disobedience on the part of the respondents for imposition of punishment under the Contempt of Courts Act, 1971.
15. Accordingly, the Contempt Case is closed.

Pending miscellaneous petitions, if any, shall stand closed.

No costs.

//TRUE COPY//

SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Medical Health and Family Welfare Department, Dr. B.R. Ambedkar Telangana Secretariat, State of Telangana at Hyderabad - 500 022.
2. The Director, Public Health and Family Welfare, Government of Telangana, Hyderabad.
3. The District Medical and Health Officer, Warangal District.
4. The District Medical and Health Officer, Hanumakonda District.

5. The District Medical and Health Officer, Mahabubbad District.
6. The Superintendent, M.G.M Hospital, Warangal.
7. Two CC's to G.P FOR SERVICES – I, High Court for the State of Telangana at Hyderabad. (OUT)
8. One CC to SRI K.RAM REDDY, Advocate [OPUC]
9. Two CD Copies

SA

GJP

ky

HIGH COURT

DATED:30/12/2024

COMMON ORDER

W.P.No.21405 of 2024 AND
CC.No.2274 of 2024



DISPOSING OF THE W.P
AND CONEMPT CASE IS CLOSED
WITHOUT COSTS.

(12)

4cp
28/1/25