

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN
WRIT PETITION NO: 7532 OF 2025



Between:

Devara Manikyala Rao, S/o. Late Chinna Rao Age 58 years, Occ Office Superintendant, O/o. District Medical and Health Officer, Eluru District, Eluru, Andhra Pradesh. ✓

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary to Government Medical, Health and Family Welfare Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Director of Public Health and Family Welfare, O/o. the Director of Public Health and Family Welfare Gollapudi, Vijayawada, Andhra Pradesh.
3. The Regional Director of Medical Health Services, Rajamahendravaram Zone-II, Rajamahendravaram, East Godavari District, Andhra Pradesh.
4. The District Collector, Eluru District, Eluru, Andhra Pradesh
5. The District Medical and Health Officer, Eluru District, Eluru, Andhra Pradesh.
6. The Administrative Officer, O/o. the District Medical and Health Officer, Eluru District, Eluru, Andhra Pradesh. ✓
7. Dr. S. Sermista, W/o. Ch. Sai Prasad, Age 62 years, Occ District Medical and Health Officer, District Medical and Health Office, Machilipatnam, Krishna District, Andhra Pradesh, (earlier she was District Medical and Health Officer, Eluru District, Eluru)

8. Dr. Chakradhar, S/o..not know. Age not known, Occ Medical Officer, Primary Health Center, Pedapadu, Eluru District, Eluru, Andhra Pradesh, (earlier he was Administrative Officer (FAC) of the District Medical and Health Officer, Eluru District, Eluru)
9. The District Medical and Health Officer, Alluri Sitharama Raju District at Paderu, Andhra Pradesh.
10. Smt. D. Radhabai, Office Superintendent O/o. the District Malaria Officer, Eluru District, Eluru, Andhra Pradesh.

...Respondents

WHEREAS the Petitioner above named through his Advocate SRI PEETA RAMAN presented this 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 or order, orders or directions more particularly one in the nature of Writ of Certiorarified Mandamus –

- i) declaring the action of the 2nd respondent in instructing the 3rd respondent to transfer the petitioner to a far of and non-focal post out of Eluru District on administrative grounds vide Rc.No.13243- 2621789A/C.1.B/2025, dt.06-03-2025 and also the consequential orders of the 3rd respondent in transferring and posting him in 9th respondent's office vide Rc.No.193/R2.BA/C/2025, dt.18-03-2025 and further, the orders of the 5th respondent in relieving the petitioner w.e.f., from the AN of 19-03-2025 by instructing him to report before the 9th respondent besides giving complete charge of his post to the 10th respondent vide Rc.No.665/E1/2025, dt.19-03-2025 as illegal, arbitrary, discriminative, unjust, mala-fide, misfeasance, malfeasance and nonfeasance, non application of mind, abuse of process of law, colorable exercise of powers, extraneous considerations, contrary to the Doctrine of Legitimate Expectation, Doctrine of Promissory Estoppel

besides violative of Arts. 14, 16 and 21 of the Constitution of India duly calling the records pertaining and connected to the 2nd respondent's transfer orders issued under Rc.No.13243-2621789/VC.1.B/2025, dt.06-03- 2025 and

- ii) consequently, set-aside the same besides directing the 2nd and 3rd respondents to allow the petitioner to discharge his as usual duties in 5th respondent's office;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri PEETA RAMAN Advocate for the Petitioner, and of GP FOR SERVICES-I, for the Respondent nos.1 to 6 and 9, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Dr. S. Sermista, W/o. Ch. Sai Prasad, Age 62 years, Occ District Medical and Health Officer, District Medical and Health Office, Machilipatnam, Krishna District, Andhra Pradesh, (earlier she was District Medical and Health Officer, Eluru District, Eluru)
2. Dr. Chakradhar, Occ Medical Officer, Primary Health Center, Pedapadu, Eluru District, Eluru, Andhra Pradesh, (earlier he was Administrative Officer (FAC) of the District Medical and Health Officer, Eluru District, Eluru)
3. Smt. D. Radhabai, Office Superintendent O/o. the District Malaria Officer, Eluru District, Eluru, Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, within four (04) weeks to which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the 2nd respondent's transfer order issued vide Rc.No.13243-2621789A/C.1 .B/2025, dt.06-03-2025 and the consequential orders of the 3rd respondent in transferring and posting the petitioner in 9th respondent's office vide Rc.No. 193/R2.BA/C/2025, dt. 18-03-2025 and further orders of the 5th respondent in relieving the petitioner w.e.f., from the AN of 19-03-2025 by instructing him to report before the 9th respondent besides giving complete charge of his post to the 10th respondent vide Rc.No.665/E1/202 5, dt.19-03-2025, pending disposal of WP No. 7532 of 2025, on the file of the High Court.

The Court made the following: ORDER

Learned Government Pleader for Services-I takes notice for respondents 1 to 6 and 9.

Issue notice to respondents 7, 8 and 10.

Learned counsel for petitioner is permitted to take out personal notice on respondents 7, 8 and 10 by RPAD and file proof of service in the Registry.

Petitioner, who is working as Office Superintendent at District Medical and Health Office, Eluru District, has been transferred and posted to office of District Medical and Health Office, ASR District at Paderu, on administrative grounds pending disciplinary action. The impugned proceedings dated 19.03.2025 by which the transfer is effected apparently disclosed that aforesaid transfer is made pending disciplinary action and based on directions of 2nd respondent vide proceedings Rc.No.13243-2621789/VC.1.B/2025, dated 06.03.2025. The 2nd respondent by aforesaid proceedings issued directions to 3rd

respondent for effecting transfer of petitioner to far off and non-focal post out of Eluru District for the reason that petitioner along with others issued posting orders to certain unemployees who secured orders from this Court in the post of MPHA(M) on contract basis without prior approval of Collector and District Magistrate and DPH&FW, Andhra Pradesh.

Prima facie, the aforesaid proceedings and as well as the consequential transfer proceedings on the face of it are in the nature of punishment before even initiating any disciplinary action.

Learned counsel for petitioner placed reliance on the judgment of the Hon'ble Apex Court in Abani Kanta Ray v. State of Orissa and others [1995 Supp (4) Supreme Court Cases 169], orders of the combined High Court for the State of Telangana and the State of Andhra Pradesh in A.Ravinder Reddy and others v. Telangana State Road Transport Corporation and others [2016 (6) ALD 127] and orders of this Court in Y.V.Mohana Ranga v. State of Andhra Pradesh and others [2024 (3) ALD 152(AP)], to contend that transfers cannot be effected as punitive measure. The matter requires consideration. —

In view of the above, impugned proceedings vide Rc.No.665/E1/2025, dated 19.03.2025, issued by the 5th respondent shall stand suspended pending further orders.

List this matter after four weeks.

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Chief Secretary to Government, Medical, Health and Family Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District, Andhra Pradesh. (by Special Messenger)

2. The Director of Public Health and Family Welfare, O/o. the Director of Public Health and Family Welfare Gollapudi, Vijayawada, Andhra Pradesh.
3. The Regional Director of Medical Health Services, Rajamahendravaram Zone-II, Rajamahendravaram, East Godavari District, Andhra Pradesh.
4. The District Collector, Eluru District, Eluru, Andhra Pradesh
5. The District Medical and Health Officer, Eluru District, Eluru, Andhra Pradesh.
6. The Administrative Officer, O/o. the District Medical and Health Officer, Eluru District, Eluru, Andhra Pradesh. **(Addressees 2 to 6 by RPAD)**
7. Dr. S. Sermista, W/o. Ch. Sai Prasad, Age 62 years, Occ District Medical and Health Officer, District Medical and Health Office, Machilipatnam, Krishna District, Andhra Pradesh, (earlier she was District Medical and Health Officer, Eluru District, Eluru)
8. Dr. Chakradhar, Occ Medical Officer, Primary Health Center, Pedapadu, Eluru District, Eluru, Andhra Pradesh, (earlier he was Administrative Officer (FAC) of the District Medical and Health Officer, Eluru District, Eluru)
9. The District Medical and Health Officer, Alluri Sitharama Raju District at Paderu, Andhra Pradesh. **(by RPAD)**
10. Smt. D. Radhabai, Office Superintendent O/o. the District Malaria Officer, Eluru District, Eluru, Andhra Pradesh. **(Addressees 7, 8 & 10 by RPAD- along with a copy of petition and affidavit)**
11. One CC to SRI. PEETA RAMAN Advocate [OPUC]
12. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh. [OUT]
13. One spare copy

PSR

HIGH COURT

CGR,J

DATED:26/03/2025

NOTE: List this matter after four weeks.

NOTICE BEFORE ADMISSION

WP.No.7532 of 2025

INTERIM SUSPENSION

