

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: W.P.No. 22962 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	30.08.2025	<u>VN,J</u> The present Writ Petition is filed questioning the Circular Memo No. GAD01-SU0MISC/31/2019-SU-1, dated 21.07.2020 in surrendering the Network Arogya Mitras to the Respondent No.5 as the same is contrary to the Judgment of Hon'ble Supreme Court in SLP (Civil) No.10349 of 2018, dated 20.03.2018 and the Division Bench of this Court in W.A.No.318 of 2016 and batch dated 11.11.2016 as illegal and arbitrary. A health scheme titled as "<i>Rajiv Arogya Insurance Scheme</i>" was introduced by the erstwhile Government for the State of Andhra Pradesh with effect from 01.04.2007 for providing quality health care to the family falling below poverty line. The Petitioners were recruited for the said purpose by Respondent No.4, which is a trust crated to manage the scheme. The appointment of the Petitioners was said to be through District Level Committee, headed by District Collector. While so, G.O.Ms.No.127, dated 27.09.2014 issued	

		renaming the health scheme as “Dr. Nandamuri Taraka Rama Rao Arogya Seva”. Thereafter, G.O.Rt.No.28, dated 20.01.2016 was issued prescribing certain additional qualifications for continuing as “Vaidya Mitra”. This additional prescription was questioned by the Petitioners in W.P.No.2176 of 2016 and batch and the same was dismissed. On dismissal of the same, the Petitioners have filed W.A.No.318 of 2016 and batch and the same was allowed vide Judgment dated 11.11.2016. The Judgment and in Writ Appeal was confirmed by the Hon’ble Supreme Court in SLP (Civil) No.10349 of 2018, dated 20.03.2018. In the interregnum, the impugned order was issued transferring the services of the Petitioners to APCOS i.e Outsourcing Corporation incorporated by the State. However, the grievance to file the present Writ Petition is that the Petitioners are being transferred from Respondent No.4 to private Outsourcing Agencies and the same is in contravention of Judgment of this Court in W.A.No.318 of 2016 and Batch and the same was confirmed by Hon’ble Supreme Court. Learned Standing Counsel for the Respondent No.4 would contend that the impugned proceedings, vide order dated 21.07.2020, was issued and some time may be provided to the Respondents to file Counter-	
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		Affidavit. Learned Assistant Government Pleader for Services takes notice for the Respondents 1 to 3. Heard the respective counsel. The operation portion in the Writ Appeal in Paragraph 51 of the Judgment in W.A.1235 of 2016, dated 11.11.2016 reads as: <i>“51.On the analysis as above, we are of the opinion that the appellants are entitled to be continued as Aarogya Mitras with temporary status so long as the posts against which they are engaged remain within the sanctioned strength in terms of Clause III of G.O.Rt.No.4271, Finance (SMPC) Department, dt.01.11.2008 and process for filling up the posts on permanent basis is not initiated. The appellants are also entitled to receive the remuneration as revised from time to time under the extant G.Os issued by the State for outsourced employees or the resolutions that may be passed by the Trust. If any of the appellants are found committing any misconduct or their services are found not satisfactory, the Trust shall be free to proceed against them by following the principles of natural justice. This judgment does not however preclude the Trust from creating additional posts and engaging personnel with higher qualifications to guide the appellants in rendering proper service to the beneficiaries under the scheme, nor it restrains the State and the Trust from engaging personnel with higher qualifications as Vaidya Mitras, if they so choose, as envisaged under the impugned G.O. without disturbing the appellants.”</i> As per Hon’ble Division Bench of composite High Court of Andhra Pradesh, the Petitioners are entitled to be continued as	
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		“Arogya Mitras”, as against the posts, which they were engaged, remained within the sanctioned strength. However, contrary to the same, the services of the Petitioners were transferred to Respondent No.4 corporation and the designations of the Petitioners were changed from temporary status to that of outsourcing employee, is contrary to the directions of this Court. Therefore, notwithstanding the delay in challenge in filing the present Writ Petition, this Court is inclined to pass the following interim direction: (i) The impugned Proceedings dated 21.07.2020 transferring the Petitioners to Respondent No.4 shall stand suspended to the extent of Petitioners only for a period of eight (08) weeks. Post along with W.P.No.18076 of 2025. _____ VN,J eha	
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