

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HON'BLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 17230 OF 2023

Between:

Namawaram Kalyan Mohan Rao, S/o. Namavaram Jagan Mohan Rao,

Petitioner**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Medical and Health Department, Secretariat Building, Hyderabad.
2. The Project Director, Telangana State AIDS Control Society, DM & HS Campus, Sulthan Bazar, Koti, Hyderabad, Telangana State.
3. The Medical Superintendent, District Hospital, Tandur, Vikarabad District.

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(s) particularly one in the nature of Writ of Mandamus declaring the actions of the Respondents in passing orders vide proceeding No.SPL/DH/T/VKB/2023, dated, 19-06-2023, passed by the 3rd Respondent deputing the Petitioner to work at ART Center, Mahaboob Nagar contrary to petitioner appointment orders in proceeding No. 27/DH/TNKB/2021, dated. 09-04-2021, is illegal, arbitrary, against the principle of natural justice and violation of Article 14 Constitution of India, and consequently direct the Respondents to allow the Petitioner to continue his employment as per the orders in proceeding No.27/DH/T/VKB/2021, dated. 09-04-2021;

IA NO: 1 OF 2023

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 not to depute the Petitioner to ART Center, DH, Mahaboob Nagar from the present place of posting as per the terms and conditions of the appointment order given to the Petitioner, pending disposal of WP.No.17230 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI K AMARNATH REDDY Advocate for the Petitioner, GP FOR SERVICES-II for the Respondents, the Court made the following.

ORDER:

Notice before admission.

Learned Government Pleader for Services-II takes notice on behalf of the respondents No.1 to 3 and waives further notice and seeks time to file counter.

Registry is directed not to take out notices to respondents No.1 to 3 in view of this waiver.

Learned counsel for the petitioner submitted that the petitioner has been appointed as a Medical Officer on contract basis at ART Center, District Hospital, Tandur vide proceedings dated 09.04.2021.

It is submitted that as per the terms and conditions of the contract, the petitioner will not be transferred from the place of posting to any other place during the period of contract.

It is submitted that the respondents have violated the said terms and conditions, by transferring the petitioner to Mahaboobnagar vide order dated 17.06.2023 and have even relieved him from his duties on 19.06.2023.

Learned counsel for the petitioner submitted that this action of the respondents is clearly in violation of terms and conditions of the contract, therefore, it has to be set aside.

Learned Government Pleader for Services-II, however, pointed out that it is not the case of the petitioner alone that the orders of transfer or deputation have been passed, it is in respect of three candidates. Therefore, there is no malafide intention in sending the petitioner on deputation to Mahaboobnagar.

Learned counsel for the petitioner, however, pointed out that the other two persons have not been relieved.

Learned Government Pleader seeks time to get instructions on this issue.

List this matter on 19.07.2023.

Till such time, there shall be interim suspension of the order dated 17.06.2023 in respect of the petitioner only.

//TRUE COPY//

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Medical and Health Department, State of Telangana, Secretariat Building, Hyderabad.
2. The Project Director, Telangana State AIDS Control Society, DM & HS Campus, Sulthan Bazar, Koti, Hyderabad, Telangana State.
3. The Medical Superintendent, District Hospital, Tandur, Vikarabad District.
(for addresses 1 to 3 by RPAD)
4. One CC to SRI. K AMARNATH REDDY, Advocate [OPUC]
5. Two CCs to GP FOR SERVICES-II, High Court at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

PMD.J

DATED:12/07/2023

Note: List on 19.07.2023

ORDER

WP.No.17230 of 2023

INTERIM SUSPENSION

