

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.3245 OF 2023

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“... to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries dues for the petitioner Doctors, who risked their lives during Covid pandemic, with a reason of “not having budget” and not receiving salaries in spite of letter issued dated 10.01.2023 by respondent No.3 for payment of salaries is illegal, arbitrary, violation of fundamental rights guaranteed under Article 14, 21, 23 and 300(A) of Constitution of India. Consequently, direct the respondents to pay the salary dues of the petitioner doctors for their respective services within two weeks along with the interest of 12% from the due date and to pass such other order or orders...”

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. Learned counsel for the petitioner submits that the petitioners herein were appointed as Staff Nurse and Help Desk Manager vide RC.No.01/COVID-19-W3/2022, dated 20.01.2022 to meet the Covid exigencies for a period of two months in Krishna District on temporary basis. He further submits that as per the Covid standing order 70, the services rendered by the petitioners shall be entitled for remuneration as

fixed. Accordingly, the petitioners herein are discharging their duties to meet the Covid exigencies as per the standing orders and terms of the appointment dated 20.01.2022.

4. The contention of the learned counsel for the petitioner is that even though the petitioners render their services to meet the Covid exigencies at the cost of their line, the respondents are not honoured the terms of agreement of appointment and did not pay the remuneration amounts till today. Hence, the writ petition.

5. On the other hand, the learned Government Pleader for the respondents furnished written instructions issued by the 3rd respondent herein wherein it is mentioned that the 1st and 2nd respondents issued budget release order vide G.O.Rt.No.4196, Finance (FMU-HM&FW) Department, dated 07.12.2022 to meet the remuneration to be payable to the persons who were engaged to meet the Covid exigencies including the petitioners. He further submits that vide circular Memo No.215/SPMU-MHM(Fin)/2022-23, dated 08.12.2022 an amount of Rs. 3,48,28,744/- (Rupees Three Crores Forty Eight Lakhs Twenty Eight Thousand Seven Hundred and Forty Four only) was sanctioned to erstwhile Krishna District towards the expenditure for payment of salaries to the Doctors and other staff who worked during the Covid pandemic along with other districts.

6. The learned counsel for the respondents further submits that for payment of the remuneration for the petitioners as well as others, the respondents were passed the CFMS bills at district treasury level on

27.12.2022 and forwarded to the Finance Department for release of payment. He further submits that at present the bills are at the Finance Department for fund clearance and as soon as the bills are cleared by the Finance Department, the payment to the petitioners and other individuals will be completed at the same time without any delay.

7. In view of the written instructions and earlier representations submitted by the 3rd respondent and having regard to the submissions made by both the counsel, this Court deems fit to dispose of the writ petition directing the 3rd respondent to complete the entire process and pay the admitted amount in favour of the petitioners within a period of six weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the writ petition, shall also stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

10th February, 2023
KNR

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