

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.7350 OF 2015

ORDER: (Per Hon'ble Sri Justice Ramesh Ranganathan)

This writ petition is filed against the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal') in O.A. No.7337 of 2014 dated 31.12.2014.

The petitioners herein are the applicants in O.A. No.7337 of 2014. They invoked the jurisdiction of the Tribunal questioning the inaction of the respondents in not regularizing their services. The petitioners herein applied for the post of Multi-Purpose Health Assistant (Male), pursuant to a notification issued in the year 2000. On the ground that, while others were appointed and they were not, they filed O.A. No.4676 of 2001 and the Tribunal, by its order dated 17.08.2005, held that the petitioners herein were entitled for appointment to the post of Multi-Purpose Health Assistant (Male) on the basis of their merit. The respondents were directed to complete the process of selection.

The respondents issued posting orders to the applicants who joined in service on 19.01.2006/20.01.2006. The respondents herein, thereafter, filed Writ Petition No.14591 of 2006 questioning the order of the Tribunal in O.A. No.4676 of 2001 dated 17.08.2005. By an *interim* order in W.P.M.P. No.18173 of 2006 dated 24.08.2006, this Court directed the parties to maintain *status-quo* until further orders. The said Writ Petition is said to be still pending on the file of this Court. On the ground that their salaries were not paid, the petitioners herein hitherto filed O.A. No.3462 of 2006 and the Tribunal, by its order dated 07.12.2006, directed payment of salaries holding that this Court had not suspended the order of the Tribunal, and it had merely directed to maintain *status-quo*, which meant that, as long as the applicants were working as Multi-Purpose Health Assistants (Male), their service conditions had to be complied with. The petitioners were paid salaries thereafter. On the ground that their services were not regularized, and they were not given the

benefit of promotion *etc.*, the petitioners again invoked the jurisdiction of the Tribunal by way of O.A. No.7337 of 2014. By the order under challenge in this Writ Petition, the Tribunal held that, in the light of the order of the *status-quo* passed by this Court, the petitioners could not be extended the benefit of regularization/promotion; and it was for the petitioners to seek appropriate remedies in the W.P.M.P. said to have been filed by them in Writ Petition No.14591 of 2006.

While the petitioners were, undoubtedly, entitled for payment of salary, as they joined service prior to the order of *status-quo* passed by this Court, that would not justify their claim for regularization or for promotions. As long as the interim order of *status-quo*, passed by this Court, continues to remain in force, the only entitlement, the petitioners would have, is for payment of salary applicable to the post of Multi-Purpose Health Assistants (Male) in which posts they are still continuing. It was impermissible for them to again invoke the jurisdiction of the Tribunal, by way of O.A. No.7337 of 2014, seeking the benefit of regularization/promotion on the specious plea that the order of *status-quo* was merely with regards their initial appointment; and, as they were already appointed, the order of *status-quo* did not survive.

The Tribunal has rightly held that, in view of the order of *status-quo*, passed by this Court in W.P.M.P. No.18173 of 2006 in W.P. No.14591 of 2006 dated 24.08.2006, the petitioners are not entitled for any relief. The order of the Tribunal does not suffer from any patent infirmity or illegality warranting interference under Article 226 of the constitution of India.

The writ petition fails and is, accordingly, dismissed. It is made clear that dismissal of this Writ Petition, does not preclude the petitioners from seeking vacation of the *interim* order passed in W.P. No.14591 of 2006, or in seeking an early hearing of the said writ petition.

In consequence, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date: 30-03-2015.

Dsh

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.7350 OF 2015

(Order of the Division Bench delivered by
Hon'ble Sri Justice Ramesh Ranganathan)

Date. 30-03-2015

DSH