

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

W.P.No. 24736 OF 2015

Between:

1. The Commandant (Zone-I),
Special Protection of Force & four others

... PETITIONERS

AND

1. Sri B. Srinivas & one another

...RESPONDENTS

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DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS**

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1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No
 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
 3. Whether Their Lordship wish to see the
fair copy of the Judgment? Yes/No

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
WRIT PETITION No. 24736 OF 2015**

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The 1st respondent herein, who is the Special Protection Force Constable, instituted O.A. No. 4295 of 2014 calling in question the validity of the proceedings said to have been passed by the respondents in the O.A. on 04.11.2011, 28.11.2011 and 06.06.2012. It appears, the Tribunal has issued notice before admission in the aforesaid O.A.No. 4295 of 2014 on 18.07.2014 and the matter was taken up for disposal on 20.08.2014 itself i.e. exactly four weeks later on. Noticing that there is no counter-affidavit filed by the respondents in the O.A., the Tribunal has proceeded to dispose of the O.A. All that was recorded in paragraph 4 of the judgment rendered by the Tribunal is this:

“ The learned counsel for the applicant submits that the issue involved in this O.A. is covered by the orders passed in O.A.No. 4642/2013, dated 13.12.2013. We have gone through the said order and we are satisfied that the issue in this O.A. is squarely covered by the orders in O.A.No. 4642/2013.”

First of all, the Tribunal has not framed as to what was the issue that has fallen for consideration in the present O.A. and as to whether the O.A. is maintainable having been preferred in time or not, inasmuch as the impugned orders therein are said to have been passed in November 2011 and June 2012 and the O.A. appears to have been preferred some time in July 2014. Therefore, the Tribunal ought to have examined as to whether the O.A. is maintainable after such lapse of time. Further, as to how the issue was dealt with by the earlier Bench judgment of the Tribunal should have been examined.

What becomes a precedent is the ratio laid down in an earlier judgment. Therefore, without first recording as to how the same ratio will also be applicable and gets attracted to the fact situation prevailing in a subsequent case, the order, which has been passed by the Tribunal, does not disclose such a consideration, cannot be accepted at all.

It is important to notice that every decision-making body including judicial and quasi-judicial bodies are required to assign reasons for the conclusions arrived at. Reasons are the live links between the mind of the body and the process by which it has gone about the job. Further, reasons also disclose the principle by which the respondents are required to conduct their affairs.

Since the order passed by the Tribunal in O.A.No. 4295 of 2014 cannot be sustained, it is accordingly set aside after hearing the learned Government Pleader for Services (Telangana) for the petitioners and the learned counsel for the 1st respondent employee. O.A.No. 4295 of 2014 is restored to the file of the Andhra Pradesh Administrative Tribunal for consideration afresh in accordance with law.

With this, the Writ Petition stands allowed. No costs.

Consequently, the miscellaneous applications, if any shall stand disposed of.

NOOTY RAMAMOHANA RAO, J

ANIS, J

Note: CC today.
11th August 2015

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