

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT. JUSTICE ANIS**

**C.C.No.814 of 2015 and
W.P.Nos.16875 and 16876 of 2014**

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Common Order: (per V. Ramasubramanian, J.)

The two writ petitions on hand W.P.Nos.16875 and 16876 of 2014 arise out of a common interim order passed by the Andhra Pradesh Administrative Tribunal, modifying an interim order originally granted *ex parte* into one by which promotions effected during the pendency of the applications were directed to be subjected to the final outcome. The contempt petition arises out of an interim order passed by this Court while entertaining the two writ petitions W.P.Nos.16875 and 16876 of 2014.

2. We have heard Mr. P.Balakrishna Murthy, learned counsel for the petitioners and the learned Government Pleader appearing for the respondents.

3. The petitioners in the above two writ petitions filed two applications in O.A.Nos.1563 and 2032 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, primarily challenging the two Seniority Lists dated 18-10-2012 and 22-7-2013 of Assistant Executive Engineers. At the time of entertaining the original applications, the Administrative Tribunal granted interim orders on 04-3-2014 and 26-3-2014, directing the official respondents to maintain *status quo* as it prevailed on the date of the interim orders.

4. Thereafter, upon the applications taken out by the Government as well as the Engineer-in-Chief for vacating the

interim orders, the Tribunal passed a common order dated 28-4-2014, vacating the interim order of *status quo* and passing the following order:

“Promotions if any effected during the pendency of these O.As shall be subject to the final outcome of these O.As.”

5. Challenging the above interim orders, the original applicants before the Tribunal have come up with the present writ petitions W.P.Nos.16875 and 16876 of 2014. But, during the pendency of the above writ petitions, the Tribunal disposed of the main applications O.A.Nos.1563 and 2032 of 2014 themselves, by a final order dated 29-4-2015. The final order has come to be challenged by third parties, in a batch of writ petitions in W.P.Nos.40948, 40950, 42093 and 42878 of 2015 and 4451 of 2016. Therefore, nothing survives for adjudication in these two writ petitions. Hence, W.P.Nos.16875 and 16876 of 2014 are dismissed.

6. At the time of entertaining the writ petition W.P.No.16876 of 2014, a bench of this Court granted an interim order on 23-6-2014 in W.P.M.P.No.20994 of 2014. Alleging that in violation of the said interim order, the official respondents granted in charge arrangements in superior posts to juniors, the writ petitioners came up with a contempt petition in C.C.No.814 of 2015. In view of the dismissal of the main writ petitions themselves, this contempt petition deserves to be dismissed, as it arises out of an interim order passed in the writ petitions. But before doing so, we are obliged to bring on record certain things.

7. The interim relief prayed for by the petitioners in W.P.M.P. No.20994 of 2014 in W.P.No.16876 of 2014 comprised of two parts. The first part was for suspending the interim order of

the Administrative Tribunal dated 28-4-2014. The second part was for

a direction to the Government not to effect any further promotions to the post of Executive Engineer based upon the State-wide Integrated Seniority List of Deputy Executive Engineers.

8. The actual interim order passed on 23-6-2014 was to the following effect:

“There shall be interim suspension as prayed for.”

In other words, the second part of the interim prayer was not granted in the order dated 23-6-2014.

9. But, unfortunately, under threat of contempt and by virtue of a series of orders passed in the contempt petition, the Government was compelled to issue two orders in G.O.Rt.Nos.705 and 709, dated 12-11-2015 and 13-11-2015 cancelling the in charge arrangements in superior posts. The Government was also compelled to issue a Provisional Seniority List dated 02-12-2015 followed by a Final Seniority List dated 15-12-2015, on account of

a series of orders passed by this Court, virtually enlarging the original interim order dated 23-6-2015. We have taken note of these facts in our detailed judgment delivered in the connected batch of cases W.P.Nos.40948 of 2015 batch.

10. We record the above facts to show that the contempt was nothing but an abuse of the process of law. Interestingly, the contempt petition was actually filed on 21-4-2015 and it came up for orders as to admission for the first time on 08-6-2015. But, by this time, the main original applications themselves had been disposed of by the Tribunal on 29-4-2015. We do not know whether the petitioners who owed a duty to the Court, brought it to

the notice of the Court on 08-6-2015 that the main applications themselves had been disposed of by the Tribunal. If they had not brought this fact to the notice of this Court, it is their conduct which is liable to be deprecated and not that of the respondents.

11. In the result, the contempt petition is also dismissed.

12. The miscellaneous petitions, if any, pending these petitions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

ANIS, J.

18th July, 2016.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT. JUSTICE ANIS

C.C.No.814 of 2015 and
W.P.Nos.16875 and 16876 of 2014
(Common Order of the Division Bench
delivered by VRS, J.)

18th July, 2016.
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