

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

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT APPEAL No.131 OF 2016

DATED: 24.02.2016

Between:

M.Phanibhushan Rao

... Appellant

and

The Andhra Pradesh Southern Power Distribution
Company Limited and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No.131 of 2016

PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 20.01.2016 passed by a learned Single Judge vacating the interim order dated 01.09.2015 in WPMP.No.36386 of 2015 in Writ Petition No.28060 of 2015. Yesterday, three more Writ Appeals bearing Writ Appeal Nos.128, 129 and 130 of 2016 were placed before this Court challenging the very same order which is impugned in the instant Writ Appeal and we disposed of all the three appeals with the following order.

“These writ appeals are directed against interlocutory orders passed in miscellaneous petitions whereby interim orders dated 02.09.2015 and 01.09.2015 passed in WPMP.Nos.36467 and 36386 in Writ Petition Nos.28108 and 28060 of 2015 respectively have been vacated. The relevant portion of the impugned orders reads thus:

“In this Writ Petition, the petitioner has questioned the proceedings dt.20.08.2015 issued by 2nd respondent awarding contract for Outsourcing of Customer Service Center on works contract basis for Operation and Maintenance at Operation Sub-Division, Allagadda for the period from 01.09.2015 to 31.03.2016 to 3rd respondent.

The case of the petitioner is that for the period from 01.06.2015 to 31.03.2016 the same contract had been awarded to him by proceedings dt.29.07.2015 of the 2nd respondent.

In the counter-affidavit filed by 2nd respondent, the 2nd respondent had denied issuing the said letter dated 29.07.2015 and contended that the said letter appears to have been created by petitioner.

Although reply affidavit has been filed by petitioner refuting this contention, since no material has been placed by petitioner to establish that 2nd respondent did issue the letter dated 29.07.2015, it has to be presumed that petitioner has not approached the Court with clean hands.”

In view of the observations made by learned Judge in the impugned orders, we have perused the letters dated 29.7.2015. From the contents of the letters, it is clear that there is overwriting and that the dates are changed, including the date of the said letters. That seems to have impressed the learned single Judge to hold that the appellants have not placed any material on record to establish that the letters were in fact issued by the 2nd respondent. Even before this Court, learned counsel for the appellants could not and did not demonstrate that the letters, dated 29.07.2015, on the basis of which the appellants claim their right, are genuine and in fact are issued by the 2nd respondent.

We do not see any reason to interfere with the impugned orders. Hence, the writ appeals are dismissed.”

It is not in dispute that there is absolutely no difference between the challenge raised in the instant Writ Appeal and Writ Appeal Nos.128, 129 and 130 of 2016.

In view thereof, this Writ Appeal is also disposed of in terms of the order, dated 23.02.2016 passed in Writ Appeal Nos.128, 129 and 130 of 2016.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

24th FEBRUARY, 2016.

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P. NAVEEN RAO, J