

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11896 of 2015
AND
CONTEMPT CASE No.2381 of 2015

COMMON ORDER:

The petitioner, who was working as the Secretary in the fourth respondent Society filed Case No.A.P.S.E.1 of 2009 before the third respondent challenging the order of termination dated 24.08.2007. The said case was allowed on 30.06.2012 and the fourth respondent was directed to reinstate the petitioner in service with immediate effect with full back wages and continuity of service with all attendant benefits. The said order was challenged by the fourth respondent before the second respondent, who is appellate authority, and at the time of filing the appeal, an amount of Rs.2,44,800/- was deposited before the second respondent. It is the case of the petitioner that the fourth respondent ought to have deposited an amount of Rs.6,15,143/- towards full back wages from 21.12.2006 to 30.09.2012 @ Rs.10,214/- per month deducting Rs.16,660/-. However, the second respondent confirmed the orders of the third respondent by order dated 30.06.2014. W.P.No.11896 of 2015 was filed seeking implementation of the order of the second respondent confirming the order of the third respondent.

This Court, by order dated 23.04.2015, directed the fourth respondent to take steps for implementing the order, if no appeal or review is pending in respect of the order passed by the

second respondent. When the said order was not implemented, the petitioner filed C.C.No.2381 of 2015.

In the Contempt Case a counter affidavit is filed by the fourth respondent in the Writ Petition stating that they filed an application under Order IX Rule 13 of CPC on 23.08.2014 to set aside the *ex parte* order passed by the second respondent on 30.06.2014 and the same is pending before the appellate authority. In spite of filing another petition on 08.06.2015 to the appellate authority referring the earlier petition dated 23.08.2014, the appellate authority has not taken any steps on the application dated 23.08.2014. A notice through their Counsel was also issued on 25.06.2015 and in those circumstances, the order of the second respondent could not be implemented.

There was some controversy with regard to the pendency of the aforesaid application and in those circumstances this Court called for the record from the second respondent for verification with regard to the pendency of the said application.

Learned Government Pleader appearing for the second respondent submits that the application was filed by the fourth respondent on 23.08.2014 and the same is pending before the second respondent.

In view of the pendency of the application filed by the fourth respondent before the second respondent, this Court is

not inclined to entertain W.P.No.11896 of 2015 at this stage and the second respondent is directed to consider the application of the fourth respondent dated 23.08.2014, and pass appropriate orders thereon, within a period of three months from the date of receipt of a copy of this order by giving due opportunity to the petitioner.

The Writ Petition and the Contempt Case are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

07.09.2016
vs



(A.RAMALINGESWARA RAO, J)