

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.11658 of 2016

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Date: 13.04.2016

Between:

P.Surendra Babu

.. Petitioner

and

Prohibition and Excise Superintendent
Chittoor District and 4 others

.. Respondents

Counsel for the petitioner :

Mr.P.V.Krishnaiah

Counsel for respondent Nos.1 to 4: GP for Services
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The Court made the following:

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Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed by the applicant in OA.No.1237 of 2016, feeling aggrieved by Order, dated 04-04-2015, passed therein by the Andhra Pradesh Administrative Tribunal (for short "the Tribunal").

The petitioner is working as a Prohibition and Excise Constable in the office of the Assistant Commissioner of Distilleries, M.R.Palli, Tirupathi, Chittoor District. The petitioner along with 9 others filed OA.No.8801 of 2013 and batch before the Tribunal for a declaration that the action of respondent Nos.2 and 3 in deciding to treat them as non-locals to Chittoor District through Order, dated 24-09-2012, and consequential proceeding, dated 21-03-2013, and to fill those vacancies with the candidates under direct recruitment category as illegal and arbitrary. The petitioners have also sought for a consequential declaration that they are entitled to be treated as the members of Chittoor District. The said OAs came to be disposed of by

Order, dated 05-10-2015. The operative portion of the said Order reads as under:

“In view of the above facts and circumstances, the respondents in these OAs are directed to strictly verify the cadre strength of Prohibition and Excise Constables in Chittoor District and also Ranga Reddy District and allocate the APSP Constables, who were allotted/opted to these district, based on the Presidential Order and put to an end to this litigation. The Respondents shall complete this exercise within a period of three months from the date of receipt of a copy of this order. After completing the said exercise, the respondents are also directed to finalise the seniority list of Prohibition and Excise Constables of Chittoor District and Ranga Reddy District for further necessary action.”

As the respondents have not completed the exercise as directed by the Tribunal, the petitioner has filed OA.No.1237 of 2016 before the Tribunal for a declaration that the action of the respondents in not giving effect to proceedings, dated 06-05-2014 and 08-05-2014, of respondent Nos.3 and 1 respectively, is illegal and arbitrary. The said OA was dismissed by the Tribunal with the observation that when the case was remanded by it *vide* Order, dated 05-10-2015, in OA.No.8801 of 2013 and

batch, it is deemed that the proceedings, dated 06-05-2014 and 08-05-2014, which were subject matter of the said batch of OAs, were set aside and therefore, the prayer of the petitioner to implement the said orders pending decision of the respondents in terms of Order, dated 05-10-2015, in OA.No.8801 of 2013 cannot be granted.

When this Writ Petition came up for hearing before this Court on 07-04-2016, this Court *prima facie* felt that the root cause for multiplicity of litigation is non-implementation of Order, dated 05-10-2015, in OA.No.8801 of 2013 and batch and that there can be atleast temporary quietus to the litigation if the said order is implemented by the respondents. Accordingly, the case was adjourned to today to enable the learned Government Pleader for Services (AP) to get instructions as to the reasons for non-implementation of the said order.

Today, at the hearing, learned Government Pleader, on instructions, reported that one part of the directions issued by the Tribunal in OA.No.8801 of 2013 and batch has been complied with by ascertaining the vacancy position and that the

remaining part of the order viz., that the allocation of A.P.S.P.Constables, who were allotted/opted to the Chittoor District and Ranga Reddy Districts based on the Presidential Order and finalization of the seniority list of Prohibition and Excise Constables of the said Districts is yet to be implemented. He has further submitted that within one month, the respondents will implement the aforesaid remaining part of the order as well.

In the light of the above submissions of the learned Government Pleader, which are placed on record, the Writ Petition is disposed of with the direction to respondent No.3 to implement Order, dated 05.10.2015, in OA.No.8801 of 2013 and batch in all respects within one month from today and communicate the same to the petitioner and other similarly situated persons.

Subject to the above direction, the Writ Petition stands disposed of.

As a sequel to disposal of the Writ Petition, WPMP.Nos.14676 and 14677 of 2016, filed by the petitioner for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(M.S.K.Jaiswal, J)

Dt: 13th April, 2016
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