

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.23531 of 2017

Date:31.8.2017

Between:

M.Ramulamma,
W/o Late Venkanna

..... Petitioner

And:

The State of Telangana, reptd by its
Principal Secretary, Social Welfare
Department, Hyderabad and three others.

.....Respondents

Counsel for the petitioner: Mr. Ch.Ganesh

Counsel for respondent Nos.1 to 3: GP for Services (Telangana)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed feeling aggrieved by the purported non-implementation of order, dated 09.11.2015, in Original Application No.6271 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

By the afore-mentioned order, the Tribunal has allowed the said O.A. filed by the petitioner, following the order, dated 17.8.2015, in O.A.No.9188 of 2012, for payment of minimum time scale to him from the date of that order. The petitioner pleaded that in purported compliance of the said order of the Tribunal, respondent No.4 has issued proceedings, vide Executive No.BCW5/543/ 2015, dated 23.5.2016, which is contrary to the said order of the Tribunal.

In our opinion, if the respondents have not complied with the said order of the Tribunal, the petitioner is entitled to avail one of the two remedies, viz, (1) either to file a Contempt Application before the Tribunal, or (2) if such a course is not possible, question the order passed by respondent No.4, which is allegedly contrary to the said order of the Tribunal.

Indeed, the learned Government Pleader for Services (Telangana) has invited our attention to Reference No.2 in the proceedings, dated 23.5.2016, wherein a reference to Contempt

Application No.232 of 2016 in Original Application No.6271 of 2015 is made. It is thus evident therefrom that the petitioner has already availed the remedy of filing a Contempt Application before the Tribunal. Having filed the said Contempt Application before the Tribunal, he is not entitled to avail the remedy of filing the present Writ Petition seeking enforcement of the said order of the Tribunal.

In this view of the matter, the Writ Petition is dismissed, subject to the observations made hereinbefore.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.29089 and 36634 of 2017 are dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

31st August 2017

DR