

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.22102 of 2017

Date:11.9.2017

Between:

M.Janakamma,

W/o Nageswara Rao

..... Petitioner

And:

The State of A.P., repled by its

Principal Secretary, Panchayat Raj &

Rural Development Department,

Guntur District and two others.

.....Respondents

Counsel for the petitioner: Ms K.Kirithi Teja

For Mr. Ravi Kondaveeti

Counsel for the respondents: GP for Services (AP)

The Court made the following:

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

This Writ Petition is filed feeling aggrieved by non-implementation of order, dated 11.8.2011, in Original Application No.6846 of 2011 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'), whereby the Tribunal has granted the relief of retrospective regularisation of the services of the petitioner with effect from 25.11.1993. A perusal of the said order of the Tribunal shows that the same was passed based on order, dated 19.01.2011, in O.A.No.8095 of 2008.

During the pendency of this Writ Petition, respondent No.2 has issued proceedings, vide Procgs.No.9654/CPR&RD/G3/2015, dated 26.7.2017, rejecting the claim of the petitioner for retrospective regularisation of his services. This Court by order, dated 10.8.2017, called upon respondent No.2 to justify the said proceedings issued by him as, the same runs contrary to the order of the Tribunal in O.A.No.6846 of 2011 passed in favour of the petitioner.

Respondent No.2 has filed a counter-affidavit, wherein he has relied upon order, dated 27.8.2012, of this Court in Writ Petition No.26665 of 2011 filed against order, dated 19.01.2011, of the Tribunal in O.A.No.8095 of 2008. A perusal

of this order shows that the Division Bench has set aside the order impugned therein.

In short, while the Tribunal has allowed the O.A. filed by the petitioner based on order, dated 19.01.2011, in O.A.No.8095 of 2008, the said order has been subsequently set aside by this Court in Writ Petition No.26665 of 2011. Though the order of the Tribunal passed in favour of the petitioner in O.A.No.6846 of 2011 has not been expressly set aside, it has been rendered ineffective as the whole basis on which the relief was granted to him by the Tribunal has ceased to exist with the setting aside of order, dated 19.01.2011 in O.A.No.8095 of 2008, based on which O.A.No.6846 of 2011 filed by the petitioner was allowed by the Tribunal.

In the light of the above facts of the case, the petitioner is not entitled to seek enforcement of order, dated 11.8.2011 in O.A.No.6846 of 2011.

The Writ Petition is, accordingly, dismissed.

As a sequel, WPMP.No.27203 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL

11th September 2017

DR