

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.35562 of 2016

ORDER: (per SK,J)

O.A.No.1321 of 2013 was filed by respondents 1 to 3 herein before the Andhra Pradesh Administrative Tribunal, Hyderabad. Their prayer therein was to declare that they were entitled to appointment to the posts of Junior Assistants/Office Subordinates/any other suitable posts to the extent of 50% vacancies meant for displaced persons under the Scheduled Caste Community quota in terms of G.O.Ms.No.98 dated 15.04.1986. An interim order was passed in the said O.A. on 22.02.2013 directing the authorities to consider the cases of the applicants in the existing vacancies as per G.O.Ms.No.98 dated 15.04.1986. Pursuant thereto, the Superintending Engineer, Somasila Project, Nellore, passed Office Order dated 02.12.2013 stating that the applicants in the O.A. would be considered along with other displaced persons in the second phase in terms of their eligibility and suitability by duly fixing the seniority of all the applicants.

The applicants in the O.A. thereupon filed C.A.No.2098 of 2013 in O.A.No.1321 of 2013 alleging wilful disobedience to the interim order dated 22.02.2013. By order dated 20.08.2014, the Tribunal granted six weeks time to the authorities to finalise the integrated seniority list as per rules. However, the earlier order dated 17.06.2014 passed by the Tribunal in C.A.No.2098 of 2013 in O.A.No.1321 of 2013 reflects that the Tribunal was of the view that the authorities should not link the candidates already approved by the Government, including the applicants in the O.A., with the batch of 9,000 candidates whose applications had

also been processed and approved by the Government. Aggrieved by this inference by the Tribunal in the processing of applications for appointment of displaced persons under G.O.Ms.No.98 dated 15.04.1986, the State and its irrigation officials filed this writ petition.

Notice having been ordered, Sri D.Rama Krishna, learned counsel, represents Sri M.Ratna Reddy, learned counsel for respondents 1 to 3, the applicants in the O.A.

Having heard both sides, we are of the opinion that once the authorities issued the Office Order dated 02.12.2013 pursuant to the interim order dated 22.02.2103 passed by the Tribunal in O.A.No.1321 of 2013, the Tribunal ought not to have entered into the merits of the same in exercise of contempt jurisdiction. That apart, the Tribunal seems to have enlarged the scope of the O.A. itself by looking into the issue as to whether the applicants in the O.A. would take priority over others similarly situated. The proceedings in C.A.No.2098 of 2013 in O.A.No.1321 of 2013 shall therefore stand closed. The Tribunal shall endeavour to dispose of the main O.A. on merits in accordance with law.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:10.04.2017

GJ