

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No. 22134 OF 2017

DATED 29TH AUGUST, 2017

Between:

Smt. Venkatamma and another ... Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary,
School Education (PROG.I) Department,
"D" Block, Secretariat Buildings,
Hyderabad – 500022, and others ... Respondents

Counsel for the petitioners : Sri P.Manohar

Counsel for the respondents : G.P. for Services (T.S.)

THE COURT MADE THE FOLLOWING

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

Seeking implementation of order dated 14-11-2014 in O.A.No. 9373 of 2013 with M.A.No. 2811 of 2014 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), the applicants therein filed this Writ Petition.

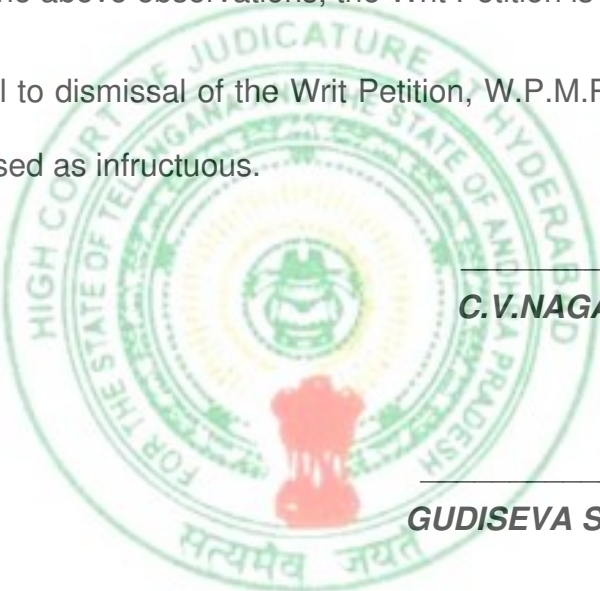
2. Learned Government Pleader for Services (T.S.) submitted that as far back as 18-02-2015, respondent No. 3 has passed a detailed speaking order rejecting the request of the petitioners for counting their temporary service from the date of their initial appointment for all purposes including pensionary benefits; that feeling aggrieved by the said order, the petitioners have filed C.A.No. 335 of 2015 for punishing the respondents for alleged disobedience of the order of the Tribunal and that by order dated 04-08-2015, the Tribunal has dismissed the contempt application and discharged the respondents. The aforementioned submissions of learned Government Pleader have not been disputed by learned counsel for the petitioners. He has however argued that the respondents have tried to overreach the order of the Tribunal by issuing proceedings dated 18-02-2015 and that therefore a Division Bench of this Court *prima facie* felt that the respondents are bound to implement the order of the Tribunal.

3. The Tribunal has allowed the O.A. filed by the petitioners following the order dated 24-09-2014 in O.A.No. 8904 of 2011. By speaking order dated 18-02-2015, respondent No. 3 has rejected the petitioners' claim of counting past temporary service for all purposes. The plea of the petitioners that the said order is contemptuous, in that the respondents have tried to overreach the order of the Tribunal, was not found acceptance by the latter in the contempt application filed by them. If the petitioners are aggrieved by the said order, they should have availed appropriate legal remedy. Instead they have filed the present Writ

Petition seeking implementation of the order of the Tribunal. In our opinion, with the issue of the proceedings dated 18-02-2015, the respondents have duly complied with the order of the Tribunal. If the petitioners feel aggrieved by the said proceedings, they shall be free to avail appropriate legal remedy in order to question the same. We are informed by learned Government Pleader that the petitioners have in fact filed W.P.No. 15549 of 2017 seeking the same relief as claimed in O.A.No. 9373 of 2013. If that is so, the petitioners are permitted to pursue the said Writ Petition.

4. Subject to the above observations, the Writ Petition is dismissed.

5. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 27243 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 29-08-2017.
JSK