

THE HON'BLE SRI JUSTICE SANJAY KUMAR

AND

THE HON'BLE MRS JUSTICE ANIS

WRIT PETITION NO.34499 OF 2016

ORDER: {Per the Hon'ble Sri Justice Sanjay Kumar}

This Writ Petition was filed by the State of Andhra Pradesh and its excise authorities aggrieved by the order dated 12.09.2014 read with the corrigendum dated 07.11.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad ("the Tribunal" for brevity) in O.A.No.3015 of 2011.

Interim suspension of the said order was granted by this Court on 13.10.2016. WV.MP.No.4614 of 2016 was filed by the first respondent to vacate the aforestated order.

Heard the learned Government Pleader for Services (Andhra Pradesh) and Sri P.Narasimha, learned counsel for the first respondent.

It is brought to the notice of this Court that WP.No.17050 of 2016 was filed by the petitioners herein against the very same order dated 12.09.2014 passed by the Tribunal in OA.No.3015 of 2011 and that the said Writ Petition was disposed of by order dated 02.06.2016. The relevant portion of the order reads as under.

"The learned Government Pleader has not pointed out any error in the directions issued by the Tribunal in O.A.No.3015 of 2011. Hence the impugned order is not liable to be interfered with. If the petitioners have complied with the impugned order, they can resist the contempt application before the Tribunal. This Court at this stage cannot predict the result of the contempt application or the matter in which the Tribunal is likely to interpret its own order in the said contempt application and issue directions to the Tribunal to

act in any particular manner in the contempt proceedings pending before it. It is needless to observe that if any order adverse to the interest of the petitioners is passed in the contempt application, by all means they can avail an appropriate legal remedy.”

Learned Government Pleader would, however, state that the present Writ Petition was filed in the light of the liberty granted by this Court while disposing of the earlier Writ Petition.

We are of the opinion that the aforestated liberty granted to the State and its excise authorities was to avail appropriate legal remedies in the event any order adverse to their interest was passed in the contempt application. Admittedly, no adverse order was passed in the contempt application after passing of the order dated 12.09.2014 in the O.A. The corrigendum dated 07.11.2014 was only with regard to correction of the final order dated 12.09.2014 by substituting the words ‘eight months’ with the words ‘eight weeks’. In that view of the matter, the State ought not to have filed this Writ Petition against the very same order dated 12.09.2014 passed in O.A.No.3015 of 2011 which was unsuccessfully subjected to challenge in Writ Petition No.17050 of 2016.

The Writ Petition is accordingly dismissed. Interim order dated 13.10.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

(SANJAY KUMAR, J)

(ANIS, J)

22nd February 2017
RRB