

HON' BLE SRI JUSTICE SURESH KUMAR KAIT  
&  
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 23529 of 2013

O R D E R:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed assailing the order dated 25.06.2013 passed in C.A.No. 424 of 2010 in O.A.No. 10393 of 2009 by the Tribunal, whereby the Contempt Application filed by the petitioner alleging that the respondents have not implemented the interim order dated 14.09.2009 passed in O.A.No. 10393 of 2009, was closed on the ground that no further enquiry is required to be conducted at this stage in the C.A.

We note, the Government issued orders in G.O.Ms.No. 61, dated 27.07.2009 wherein it stated that in exercise of powers conferred under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980, the Governor of Andhra Pradesh hereby impose the penalty of withholding of pension and gratuity in full permanently against the petitioner with immediate effect. Being aggrieved by the G.O., the petitioner filed O.A.No. 10393 of 2009, and the Tribunal, vide interim order dated 14.09.2009, suspended the G.O.Ms.No. 61, dated 27.07.2009. In spite of that the respondents have not released provisional pension and gratuity in favour of the petitioner. The respondents filed V.M.A.No.61 of 2010 seeking

to vacate the interim order dated 14.09.2009 and the same was dismissed on 11.08.2010 and made the interim order absolute. Subsequently, the petitioner filed C.A.No.424 of 2010 for not implementing the order dated 14.09.2009, however the Tribunal, by order dated 25.06.2013 closed the C.A. holding that no further enquiry is required to be conducted at that stage.

The fact remains that O.A. filed by the petitioner has been pending since 2009 and almost seven years have passed. Hence, this Court, without expressing any opinion on the issue whether the respondents have committed contempt of Court, directs the Tribunal to decide O.A.No. 10393 of 2009, within a period of three months from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

14.06.2017

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SURESH KUMAR KAIT, J

bcj

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DR. SHAMEEM AKTHER, J