

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL No.1469 of 2017

04.10.2017

Between:

Jupaka Ravi and others

..Appellants

and

The State of Telangana,
represented by its Principal Secretary,
Excise Department, Hyderabad and others

..Respondents

Counsel for the appellants: Mr.A.K.Jaya Prakash Rao

Counsel for respondent Nos.1, 2 and 6: Government Pleader
for Prohibition and Excise (T.S.)

Counsel for respondent Nos.3 and 4: Mr.T.Ram Reddy,
standing counsel for Telangana State Beverages Corporation Limited

Counsel for respondent No.5: Mr.A.Durga Bhaskar

Counsel for respondent Nos.7 to 25: Mr.A.Prabhakar Rao

The Court made the following:

JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Respondent Nos.7 to 86 in W.P.No.3432 of 2017 filed this writ appeal feeling aggrieved by order, dated 31.07.2017, passed by the learned Single Judge in the said writ petition and also miscellaneous applications filed therein.

2. Respondent No.3 is the State Government Corporation distributing liquor to the authorized licensees in the State of Telangana. It has established respondent No.4 corporation-cum-IMFL depot for storage and supplying liquor. Respondent No.5 is the Association of Liquor and Beer Suppliers. The appellants claimed to be the Hamalies and they are being supplied by respondent No.5 Association for handling the liquor stocks at the godowns of respondent No.4 corporation. It appears, the appellants raised certain demands with respondent No.5 Association, in connection with which the relationship between them appeared to have got strained. Evidently, respondent No.5 Association searched for an alternative and in that process, it appeared to have allowed respondent Nos.7 to 25 to handle the work relating to respondent No.4 corporation. As there was resistance in that regard, respondent Nos.7 to 25 filed the aforementioned writ petition seeking to declare the action of respondent Nos.3 to 5 in not allowing them to work as Hamalies in respondent No.4 corporation. An *ad interim* direction was issued by the learned Single Judge of this Court, seeking vacation of which, respondent Nos. 3 to 5 filed applications. At the interlocutory stage, the learned Single Judge has disposed of the writ petition itself and vacated the interim order by observing that neither the writ petitioners – respondent Nos.7 to 25 nor the appellants have any exclusive vested right over respondent No.5 Association to insist on their exclusive engagement and that they shall not

interfere with the right of respondent No.5 Association to supply Hamalies to respondent No.4 corporation and neither of them shall interfere with the functioning of respondent Nos.2 to 5 in any manner.

3. Mr.A.K.Jaya Prakash Rao, learned counsel for the appellants, has submitted that the writ petition itself is not maintainable against respondent No.5 Association and that therefore, the learned Single Judge has committed an error in entertaining the writ petition and making observations adverse to the interests of the appellants.

4. Mr.T.Ram Reddy, learned standing counsel for the Telangana State Beverages Corporation Limited appearing for respondent Nos.3 and 4, has submitted that in pursuance of an agreement entered between respondent Nos.3 and 4 and respondent No.5 Association, Hamalies are being supplied by the latter and that the learned Single Judge has, therefore, rightly recognized the right of respondent No.5 Association to supply Hamalies while observing that neither of the two sets of Hamalies has any exclusive right to insist on their being allowed to work with respondent No.4 corporation.

5. Mr.A.Durga Bhaskar, learned counsel for respondent No.5 Association, has submitted that as the appellants made unreasonable demands, respondent No.5 Association permitted respondent Nos.7 to 25 to work and that as rightly observed by the learned Single Judge neither the appellants nor respondent Nos.7 to 25 have any exclusive right to insist that they alone must be engaged to work with respondent No.4 corporation.

6. We have carefully considered the respective submissions of the learned counsel for the parties.

7. It is not in dispute that respondent No.5 Association entered into an agreement with respondent Nos.3 and 4, in pursuance of which the former has been supplying Hamalies to respondent No.4 corporation. We are unable to accept the submission of the learned counsel for the appellants that the writ petition was not maintainable as the writ petitioners *viz.*, respondent Nos.7 to 25 herein approached this Court by asserting their right for being engaged by respondent No.5 Association. We are unable to accept this submission. The relief claimed by respondent Nos.7 to 25 in their writ petition is not only against respondent No.5 but also against respondent Nos.3 and 4. Respondent No.3 being an instrumentality of the State, an aggrieved party has a right to maintain a writ petition in connection with its affairs. As regards the observation of the learned Single Judge that neither of the two sets of the Hamalies has specific right to be engaged as Hamalies by respondent No.5 Association, admittedly, respondent No.5 Association holds agreement with respondent Nos.3 and 4 to supply Hamalies to respondent No.4 corporation. It is, therefore, the exclusive right of respondent No.5 Association to supply Hamalies to respondent No.4 corporation, so also to decide as to who must be supplied to respondent No.4 corporation. If in the process of exercising such right, the rights, if any, of the appellants *qua* respondent No.5 Association are violated, they shall be free to avail appropriate legal remedy seeking enforcement of such rights before appropriate forum. In our opinion, the learned Single Judge has not passed any order which affects the interests of the appellants. We, however, clarify that the observations made by the learned Single Judge in the order under appeal

shall not affect the existing rights, if any, of the appellants *vis-à-vis* respondent No.5 Association and notwithstanding the order of the learned Single Judge, the appellants can avail appropriate legal remedies for enforcement of their rights, if any, against respondent No.5 Association.

8. Subject to the above observations, the Writ Appeal is dismissed.

9. As a sequel to dismissal of the writ appeal, W.A.M.P.No.2735 of 2017 filed by the appellants for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

04th October, 2017
GHN

