

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42780 of 2017

ORDER:

The petitioners were appointed as sweepers at Koheda Mandal in Karimnagar District and they also worked at Mandal Praja Parishad, Koheda. Later on they were promoted as full time contingent sweepers. However, they were reverted on 26.10.1992 from the status of full time contingent sweepers to part time sweepers. In those circumstances, they along with others filed O.A.No.6743 of 1992 before the Andhra Pradesh Administrative Tribunal challenging the said proceedings and the same was disposed of on 01.04.1999 directing the respondents therein to restore their services from part time sweepers to full time sweepers in accordance with law. It is also their case that some temporary sweepers who were working in neighbouring Mandal and District filed O.A.Nos.1438, 2184, 4989, 5174 and 7826 of 2006 and the Tribunal passed a common order directing the respondents therein to restore the services of the applicants therein as full time sweepers. Now the petitioners state that the orders were implemented in respect of some other sweepers, but in respect of the petitioners the order was not implemented. In those circumstances, they challenge the proceedings dated 26.10.1992 reverting the petitioners from the status of full time contingent sweepers to part time sweepers.

The order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.6743 of 1992, dated 01.04.1999, which was filed challenging the order dated 26.10.1992, reads as follows:

“The appellants have approached this Tribunal questioning the reversion order. Under the impugned order, the applicants who were holding the post of Full Time Sweepers have been reverted as Part Time Sweepers. In the absence of the interim order, the impugned order has already taken effect.

In view of the above referred facts and discussion, if the applicants by this time have acquired the suitability and eligibility for promotion/appointment to the post of Full Time Sweepers, their cases may be considered by the official respondents, in accordance with the rules and instructions on the subject, if not already considered by now. The O.A., is disposed of accordingly.”

When the Tribunal has passed an order as above against the same impugned order, this Court cannot pass a different order, unless the Tribunal's order was challenged at the appropriate time. Moreover, the present Writ Petition is filed after twenty five years.

In view of the above reasons, the Writ Petition is dismissed at the admission stage. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

15.12.2017
vs