

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.31870 OF 2018

ORDER: (per SK,J)

The petitioners are the applicants in O.A.No.6437 of 2012 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Therein, their grievance was that the authorities were not releasing the Annual Grade Increments due to them along with arrears. A consequential direction was sought to the authorities to do so. By order dated 17.08.2012, the Tribunal followed its earlier orders in similar matters which had been confirmed by this Court and directed the authorities to release the increments, HRA and CCA along with the revised pay scales to the applicants. The authorities were also directed to release the arrears due and payable to the applicants. A time frame of eight weeks was fixed for compliance with the order. The present writ petition is filed by the applicants in the O.A. seeking implementation of the aforestated order passed by the Tribunal.

The Secretary to Government, Finance Department, Government of Andhra Pradesh, filed a counter-affidavit contesting the entitlement of the petitioners-applicants to the reliefs granted to them by the Tribunal. However, the learned Government Pleader for Services, State of Andhra Pradesh, fairly concedes that no writ petition was filed by the authorities assailing the correctness of the order passed by the Tribunal and that the same has attained finality. The learned Government Pleader would however point out that though the order was secured by the petitioners-applicants from the Tribunal as long back as in August, 2012, they took no steps to seek implementation of the said order or file contempt

proceedings in relation thereto and, therefore, this delay on their part should be held against them.

We are however not persuaded to agree.

Merely because the petitioners-applicants failed to initiate contempt proceedings within the stipulated one year period in terms of Section 20 of the Contempt of Courts Act, 1971 (for short, 'the Act of 1971'), it would not have the effect of nullifying the order. Their failure to do so would only mean that the respondents in the O.A. stood protected from any action being initiated against them under the Act of 1971 and no further. The responsibility resting upon the respondents in the O.A. to abide by the order would continue notwithstanding the fact that they are now immune from contempt proceedings. It is also not in dispute that the orders relied upon by the Tribunal while allowing the petitioners-applicants' case have also been implemented. That being so, there is no justification on the part of the Government in picking and choosing which order passed by the Tribunal it would abide by.

Sri Santhapur Satyanarayana Rao, learned counsel for the petitioners-applicants, would point out that as recently as in March and August, 2018, the Government of Andhra Pradesh issued orders implementing similar directions passed by the Tribunal. Memo No.19924/E.I(2)/2014 dated 12.03.2018 and Memo No.12763/E.II/2017 dated 08.08.2018 issued by the Principal Secretary to Government, Panchayat Raj and Rural Development (E.II) Department, Government of Andhra Pradesh, are placed on record in evidence of this fact.

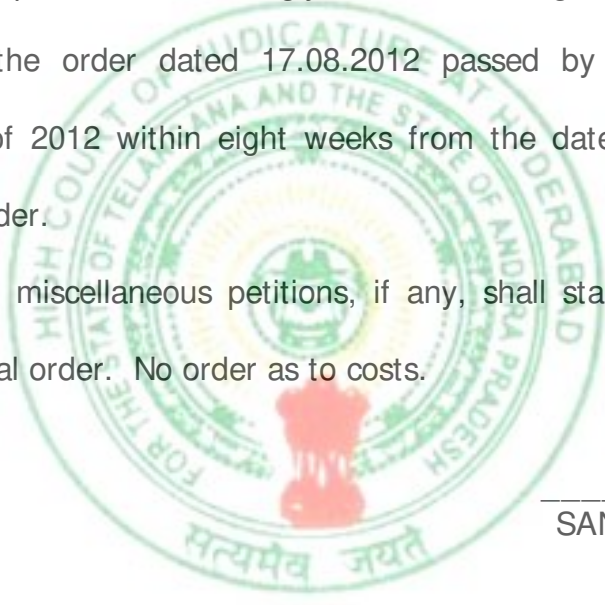
It may be noted that historically a writ of *scire facias* was hitherto available in English Jurisprudence to implement an earlier writ. There is no reason why this Court should not adopt the same principle as the order

passed by the Tribunal, which has attained finality, would not fade away into oblivion merely because of passage of time and it would be as binding upon the respondents as an order of recent origin.

We are also mindful of the fact that the petitioners-applicants remained in service all through and are not seeking benefits in relation to a period during which they did not render service. The lawful benefits due for the said period cannot be denied to them merely because they failed to take expeditious steps to seek implementation of the order passed by the Tribunal.

The writ petition is accordingly allowed directing the respondents to comply with the order dated 17.08.2012 passed by the Tribunal in O.A.No.6437 of 2012 within eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

M.GANGA RAO,J

Date:24.10.2018

GJ