

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

WRIT PETITION No.32941 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ more in the nature of Writ of Mandamus or any other writ order or direction to direct the Respondents to implement the final order of the Tribunal in O.A.No.1664 of 2012, dated 28-09-2012 by declaring the action of the Respondents in not implementing the Tribunal order in O.A.No.1664 of 2011, dated 28-09-2012 deliberately as illegal, arbitrary, unconstitutional and void and to pass such other or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Despite the matter being adjourned twice to enable the learned counsel appearing for the respondents to get instructions as to whether the order dated 28.09.2012 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1664 of 2011 has been subjected to challenge and, if so, to ascertain the result thereof, no information is forthcoming.

No doubt, the order of which implementation is presently sought is dated 28.09.2012. Failure to initiate contempt proceedings within one year in terms of Section 20 of the Contempt of Courts Act, 1971, would only result in protecting the respondents in the O.A. from such proceedings but would not have the effect of completely nullifying the order. Having suffered the said order, the respondents in the O.A. are

bound to give effect to the same if they failed to get it set aside by a higher forum in the event they were aggrieved thereby.

The writ petition is accordingly allowed directing the respondents to implement the order dated 28.09.2012 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1664 of 2011 in the event the same has not been set aside and is still holding the field. The respondents shall endeavour to comply with the said order expeditiously and in any event, not later than six 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: 28.11.2018
PGS

