

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

WRIT PETITION NO.36235 OF 2018

ORDER: (per SK,J)

The petitioners are in the service of the Panchayat Raj & Rural Employment Department and the Registration Department of the State of Telangana, and the Society for Elimination of Rural Poverty in the State of Andhra Pradesh. Their prayer in this writ petition reads as under:

'It is therefore prayed that this Honourable Court may be pleased to issue a writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not implementing the Judgment in O.A.No.3087/2004, O.A.No.3090/2004, dated 28.04.2005 which was rendered as per the Judgment in the O.A.No. 3011/1996, dated 26.08.2003 confirmed in W.P.No.1648/2005, dated 28.02.2005 by this Hon'ble court and the Hon,ble Supreme Court in S.L.P.No.14145/2006, dated 24.09.2012 as illegal, improper, unjust, arbitrary and contrary to law in so far as the petitioners are concerned and further declare that the petitioners are entitled for seniority from the date of this Hon'ble High Court's Judgment in W.P.No.1648/2005, dated 28.02.2005 with consequential benefits including seniority, monetary benefits and etc., and pass such other order or orders as deem fit and proper.'

By order dated 28.04.2005 passed in O.A.No.3087 of 2004 and batch, the Tribunal held that the applicants in the O.As. were entitled to the benefit of the earlier order passed by it in O.A.No.3011 of 1996, *vide* order dated 26.08.2003, as modified by the High Court by order dated 28.02.2005 passed in W.P.No.1648 of 2005.

The petitioners are the applicants in O.A.No.3087 of 2004 and O.A.No.3090 of 2004. The order dated 26.08.2003 passed in O.A.No.3011 of 1996 and batch, which was followed by the Tribunal in the order dated 28.04.2005 in O.A.No.3087 of 2004 and batch, was considered in W.P.No.1648 of 2005 and was confirmed by a Division Bench of this Court, *vide* order dated 28.02.2005, directing the Government to take

appropriate steps pursuant to the order of the Tribunal within a time frame. Special Leave to Appeal (Civil) No.14145 of 2006 filed against the order dated 28.02.2005 passed by the Division Bench in W.P.No.1648 of 2005 was dismissed by the Supreme Court on 24.09.2012. It is therefore clear that the order which laid the foundation for the order dated 28.04.2005 passed in O.A.No.3087 of 2004 and batch stood confirmed by the Supreme Court.

Despite taking time, the learned Assistant Government Pleader for Service, State of Andhra Pradesh, states that he has no instructions as to whether any writ petition was filed by the erstwhile State of Andhra Pradesh against the order dated 28.04.2005 passed in O.A.No.3084 of 2005 and batch. Sri K.G.Krishna Murthy, learned senior counsel appearing for Sri V.Ramachander Goud, learned counsel for the petitioners, would however assert that no such writ petition was filed as the petitioners were never put on notice of such a case being filed.

In that view of the matter, we must necessarily assume that the order dated 28.04.2005 passed in O.A.No.3087 of 2004 and batch has attained finality. That apart, as the principle followed in the said judgment stood confirmed up to the Supreme Court in the connected litigation, the authorities cannot refuse to abide by the direction of the Tribunal as per the order dated 28.04.2005 passed in O.A.No.3087 of 2004 and batch. As two of the petitioners are stationed in the State of Telangana while the third is in the State of Andhra Pradesh, both the State Governments would necessarily have to abide by and implement the aforesaid order in true letter and spirit.

It may also be noted that though the petitioners are before this Court seeking implementation of an order passed as long back as in the

year 2005, the delay on their part in seeking such implementation or initiating contempt proceedings would only have the effect of protecting the respondents from the reach of the Contempt of Courts Act, 1971, but would not have the effect of rendering the said order ineffective or inoperative to the extent of enabling the authorities to lightly brush it aside.

The writ petition is accordingly disposed of directing the respondents herein to give effect to the order dated 28.04.2005 passed by the Tribunal in O.A.No.3087 of 2004 and batch and implement the same in relation to the petitioners herein expeditiously and in any event, not later than three months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.



SANJAY KUMAR,J

M.GANGA RAO,J

Date:28.12.2018

GJ