

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

WRIT PETITION No.36625 of 2018

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

The petitioners are the applicants in O.A.No.452 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. They seek implementation of the order dated 29.01.2015 passed therein.

By way of the said order, the Tribunal followed its earlier order in O.A.No.1507 of 2011 and directed the authorities to grant annual grade increments to the petitioners herein in the time scale wherein their pay was fixed and also to pay them arrears. The authorities were further directed to extend the benefit of further pay revision from time to time. A time frame was fixed for implementation of the order.

Learned Government Pleader for Services, State of Andhra Pradesh, appearing for the respondents, does not dispute the fact that the aforstated order passed by the Tribunal attained finality as it was not even subjected to challenge.

If that be so, we are at a loss to understand as to how the respondents can refuse to abide by and implement the said order of the Tribunal which is binding upon them.

Sri Ch.Satish Kumar, learned counsel for the petitioners, would point out that in similar circumstances, this Court passed order dated 16.8.2018 and allowed Writ Petition No.14116 of 2018

directing implementation of an order passed by the Tribunal which had attained finality. He would further point out that SLP (C) No.31271 of 2018 preferred by the authorities against the order in Writ Petition No.14116 of 2018 was dismissed by the Supreme Court on 10.12.2018 observing that it saw no reason to entertain the petition under Article-136 of the Constitution.

In the light of the aforestated facts, we are of the opinion that there is no excuse whatsoever for the respondents to refuse to abide by and implement the order dated 29.01.2015 passed by the Tribunal in O.A.No.452 of 2015.

The failure on the part of the petitioners to initiate contempt proceedings within one year from the date of the order 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 nullifying the order or making it inoperative.

The Writ Petition is accordingly allowed directing the respondents to give effect to and implement the order dated 29.01.2015 passed by the Tribunal in O.A.No.452 of 2015 within 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.

JUSTICE SANJAY KUMAR

JUSTICE M. GANGA RAO

20th December, 2018
DR