

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 24407 OF 2013

Between:

1. The State of Andhra Pradesh, rep. by Principal Secretary to Govt., Agriculture & Co-operation Department, A.P. Secreteriat, Hyderabad.
2. The Commissioner & Director of Agriculture, A.P., Hyderabad.

...PETITIONERS/RESPONDENTS in O.A.

AND

1. Sri A.Linga Reddy , S/o A.Laxma Reddy, Aged about 57 years, Occ. Agricultural officer, Pesticide Tosting Laboratory (P.T.L) (Agriculture Research Station (A.R.S.) Campus) Warangal, Warangal Dist. R/o H.No. 2-4-B, Ramnagar, Opp. Anasuya Apartment, Hanmakonda, Warangal dist.
2. Sri K.Janardhan Reddy, S/o K.Gopal Reddy, Aged about 55 years, Occ. Agricultural officer, Pesticide Testing Laboratory (P.T.L) (Agriculture Research Station (A.R.S.) Campus) Warangal Dist.

Respondents/Applicants in O.A.

3. The A.P. Administrative Tribunal, Rep. by its Registrar, Purani Haveli, Hyderabad.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI calling for the records relating to and connected with order Dated: 25.09.2012 in OA No. 10223/2009 on the file of Hon'ble AP Administrative Tribunal at Hyderabad and quash or set aside the same the same by holding it as illegal, arbitrary, erroneous and contrary to law.

I.A. NO: 2 OF 2013(WPMP. NO: 30037 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Order of Hon'ble Andhra Pradesh Administrative Tribunal, Dated 25.09.2012 in OA no. 10223/2009 pending disposal of OA.

I.A. NO: 1 OF 2013(WVMP. NO: 3499 OF 2013)

Between:

1. Sri A.Linga Reddy , S/o A.Laxma Reddy, Aged about 57 years, Occ. Agricultural officer, Pesticide Testing Laboratory (P.T.L) (Agriculture Research Station (A.R.S.) Campus) Warangal, Warangal Dist. R/o H.No. 2-4-B, Ramnagar, Opp. Anasuya Apartment, Hanmakonda, Warangal dist.
2. Sri K.Janardhan Reddy, S/o K.Gopal Reddy, Aged about 55 years, Occ. Agricultural officer, Pesticide Testing Laboratory (P.T.L) (Agriculture Research Station (A.R.S.) Campus) Warangal Dist.

...Petitioners/Respondents 1 and 2

AND

1. The State of Andhra Pradesh, rep. by Principal Secretary to Govt., Agriculture & Co-operation Department, A.P. Secreteriat, Hyderabad.
2. The Commissioner & Director of Agriculture, A.P., Hyderabad.

...Respondents/Writ Petitioners

3. The A.P. Administrative Tribunal, Rep. by its Registrar, Purani Haveli, Hyderabad.

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated 21-8-2013 in WPMP No. 30037 of 2013 in WP No. 24407 of 2013 in the interest of justice and equity.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondents: J.R. MANOHAR RAO

The Court made the following: ORDER

THE HON'BLE JUSTICE ABHINAND KUMAR SHAVALI

AND

THE HON'BLE JUSTICE PULLA KARTIK

WRIT PETITION NO. 24407 OF 2013

ORDER: *(per the Hon'ble Abhinand Kumar Shavali)*

This Writ Petition is filed seeking Writ of Certiorari calling for the records in OA No 10223/2009, dated 25 09 2012, on the file of A.P. Administrative Tribunal at Hyderabad and quash or set aside the same the same by holding it as illegal, arbitrary, erroneous and contrary to law.

2. Heard Government Pleader for Services-I appearing for petitioners and Sri J.R.Manohar Rao learned counsel appearing for the respondents.

3. Learned Government Pleader for Service-I had contended that the respondents herein had filed the O.A No.10223 of 2009 before the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal) seeking for notional appointment as Agricultural Officer with effect from the date on which the others were appointed with all consequential benefits by following the order of the High Court in Writ Petition No. 13538 of 2004, dated 05.03.2009. The Tribunal had allowed the O.A No.10223 of 2009, dated 25.09.2012 and directed the petitioners herein to grant notional promotion as Agricultural

Officers with effect from 1982 in favor of the respondents with all benefits by following the orders passed in Writ Petition No. 13538 of 2004 dated 05.03.2009.

4. Learned Government Pleader had further contended that the petitioners have brought to the notice of the Tribunal that the petitioners herein have preferred Civil Appeal No. 9490 of 2013 aggrieved by the orders of the High Court in Writ Petition No. 13538 of 2004 dated 05.03.2009, but the Tribunal allowed the O.A in favor of the respondent by following the orders of High Court passed in Writ Petition No. 13538 of 2004 dated 05.03.2009. However, relief was granted in favor of the respondents herein and the same will be the subject to the outcome of the SLP which was pending before the Supreme Court.

5. Learned Government Pleader has brought to our notice that the Hon'ble Supreme Court has reversed the orders passed by the High Court in Writ Petition No. 13538 of 2004 dated 05.03.2009 and was pleased to set aside the order, vide judgment dated 25.10.2013, which would mean that the Tribunal's order which was relied upon the orders passed by the High Court in WP No.13538 of 2004, dated 05.03.2009 and the same was set aside by the Hon'ble Supreme

Court and therefore he had contended that the present Writ Petition deserve to be allowed in view of the order passed by Hon'ble Supreme Court in Civil Appeal No. 9490 of 2013 dated 25.10.2013.

6. In view of the above submission made by the learned Government Pleader that Hon'ble Supreme Court has set aside the orders passed by the High Court in Writ Petition No. 13538 of 2004 dated 05.03.2009, in Civil Appeal No. 9490 of 2013 dated 25.10.2013, the order passed by the Tribunal in O.A.No. 10223 of 2009, dated 25.09.2012 is unsustainable and the same is set aside.

7. Accordingly the writ petition is allowed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

That Rule Nisi has been made Absolute as above witness the Hon'ble SRI. UJJAL BHUYAN, The Chief Justice on this Friday, The Sixteenth Day of September Two Thousand And Twenty Two.

**SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, A.P. Administrative Tribunal, Purani Haveli, Hyderabad.
2. Two CC's to GP FOR SERVICES I, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI J.R. MANOHAR RAO, Advocate [OPUC]
4. Two CD Copies

**BB
GJP**

HIGH COURT

DATED: 16/09/2022

ORDER

W.P.No.24407 of 2013



ALLOWING THE W.P
WITHOUT COSTS

⑦ Copies
[Signature]
[Signature]