

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.14362 of 2001

Dated:09.07.2007

Between:

P. Ganesh Rao.

.....PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Secretary Home
(SCA) Department, Hyderabad and another.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.14362 of 2007

ORDER:

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This writ petition is filed seeking a Mandamus to declare the action of the respondents in not implementing the orders dated 22.09.1987 passed by the Andhra Pradesh Administrative Tribunal (APAT), Hyderabad in R.M.P.No.366 of 1989 in R.P. No.1341 of 1984, as illegal and arbitrary, and consequently, direct the respondents to implement the said order.

2. The petitioner, while working as Sub-Inspector with the respondents was dismissed from service vide orders dated 03.06.1975. Aggrieved by the same, he filed W.P.No.3567 of 1975, and the same was allowed setting aside the order of dismissal. Pursuant to the said orders, the Government issued orders in G.O. Ms. No.471 dated 01.04.1977, reinstating the petitioner into service, and he accordingly joined as Sub-Inspector. Thereafter, he was promoted as Circle Inspector of Police. The petitioner states that as his representation for fixation of his seniority and benefits therein was kept pending by the respondents, he filed R.P. No.1341 of 1984 along with R.M.P. No.366 of 1987 before the APAT, Hyderabad, which directed the

respondents to fix his seniority and give promotion and all consequential benefits. As the respondents did not implement the said orders, the petitioner filed W.P.No.5318 of 1988 seeking directions to the respondents to implement the orders of the APAT, and the same was allowed on 28.04.1989, however, the respondents have not complied with the said orders of this Court. Meanwhile, the petitioner retired from service as Circle Inspector on 28.02.1991. The several representations made by the petitioner for implementation of the orders of the Court went in vain. The petitioner, therefore, approached the Pension Lok Adalat vide Roc.No.972/LSA/2006 seeking to implement the orders of the APAT, and the Pension Lok Adalat, vide award dated 04.11.2006, made an observation to approach the High Court against the respondents for not complying with the orders of this Court passed in W.P.No. 5318 of 1988. Hence, he filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

4. The main contention of the learned counsel for the petitioner is that in spite of the directions of this Court in W.P.No.5318 of 1988 dated 28.04.1989 to implement the orders of the APAT, the respondents have not complied with the said order. Admittedly, the petitioner has not shown any provision or rule, which permits the petitioner to approach this Court seek implementation of the orders of the APAT or for that matter assail the action of the respondents concerned in not implementing the orders of APAT. If the respondents did not implement or comply with the orders of the APAT, the remedy of the petitioner is to approach the APAT under

Section 27 of the Administrative Tribunals Act, 1985 and seek execution of the orders passed by it.

5. In the circumstances, the Writ Petition is devoid of merit and the same is dismissed. No costs.

N.V. RAMANA, J.

Date:09.07.2007.

sj

