

THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE K.G.SHANKAR

-
WRIT PETITION No.24555 OF 2008

Dated:30.08.2011

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Between:

The Government of Andhra Pradesh,
represented by its Principal Secretary to
Government, Home Department, Secretariat
Hyderabad .. Petitioner

And

M.Nageshwar Rao and others .. Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO
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ORDER: (Per Hon'ble Sri Justice V.V.S.Rao)

The first respondent's O.A.No.4908 of 2005 seeking a declaration that G.O.Ms.No.174 dated 22.08.2005 is illegal and arbitrary was allowed by the Andhra Pradesh Administrative Tribunal on 14.11.2006 directing the Government and Pay and Accounts Officer, Secretariat Branch, Hyderabad, to pay salaries attached to the post to which the first respondent was appointed as attender pursuant to the orders issued in G.O.Ms.No.51 dated 13.02.2004. The same was not implemented. He, therefore, filed C.A.No.473 of 2008 under Section 17 of the Administrative Tribunals Act, 1985. In pursuance of the summons issued by the learned Tribunal, the Principal Secretary to Government, Home Department, appeared on 14.10.2008 and gave undertaking that the amounts were paid to the first respondent for the period he worked as temporary attender and he sought four weeks time for reporting compliance with regard to continuing the first respondent as attender. Therefore, by order dated 14.10.2008, the learned Tribunal while recording the undertaking posted the matter on 11.11.2008 for reporting compliance and in default of which the Principal Secretary's appearance was ordered. Assailing the said order, the present writ petition is filed.

This Court, while ordering notice, passed orders dispensing with the personal appearance of the Principal Secretary on 11.11.2008 and subsequently on 17.11.2008 the order was suspended.

We have heard the Government Pleader for Services – I.

By impugned order, the learned Tribunal only recorded the undertaking of the Principal Secretary to Government, Home Department, which was given by way of an affidavit pursuant to the summons issued by the learned Tribunal. Only for reporting compliance, the matter was posted to 11.11.2008. Therefore, the filing of the present writ petition is misconceived, as the learned Tribunal did not adjudicate any of the rights nor issued any directions. When the order in O.A.No.4908 of 2005 has become final and the Principal Secretary undertook to implement the same directing the personal appearance on 11.11.2008 in case of default in

complying with the order of the Tribunal, it does not suffer from any error warranting interference in this writ petition.

The writ petition is, accordingly, dismissed. There shall be no order as to costs.

(V.V.S. RAO, J)

(K.G. SHANKAR, J)

30.08.2011
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