

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).6658-6663 OF 2015

(Arising out of SLP(C) Nos.13163-13168 of 2010)

STATE OF A.P. & ANR. . . . APPELLANT(S)

VERSUS

M. LOOKAS BABU & ORS. ETC. . . . RESPONDENT(S)

O R D E R

1. Leave granted.

2. The State of Andhra Pradesh, being aggrieved, *inter alia*, by certain directions issued by the High Court in its judgment and order dated 26.02.2010 while disposing of the Writ Petition No(s).8573 of 2008 and connected matters, together with Contempt Case No.1794 of 2009, is before this Court in these cases.

3. These cases have a long and chequered history. We do not intend to refer to all that had transpired prior to the decision of this Court in Civil Appeal No.604 of 2000, dated 23.04.2003.

4. The facts relevant to the present case are that the State of Andhra Pradesh, being aggrieved by the judgment and order passed by the High Court, had approached this Court in Civil Appeal No.604 of 2000 and connected appeals on the grounds, *inter alia*, that the respondents' cases could not be considered for appointment to the post of Excise Constables since the selection process itself had been left incomplete and the list of selected candidates had remained unpublished. This Court accepted the State Government's assertion that it had only initiated the process for selection of constables in the Excise Department and had not, at any point of time, published any list of selected candidates and accordingly set aside the impugned judgment and order.

5. However, in light of the peculiar facts and circumstances of this case, this Court had directed the State Government that the respondents' candidature should be considered in case of any

regular recruitment of Excise Constables in future and that age criteria requirements should be relaxed for the respondents.

6. The Excise Department had requested the Police Department to depute its Constables to work with them as Excise Constables and that the same had been done some time in the year 1994. The Constables on deputation continued to work with the Excise Department for more than fifteen years and, therefore, the Excise Department, with the consent of other concerned authorities, thought it fit to absorb the services of those Constables.

7. The aforesaid decision of the Excise Department was called into question by the Police Constables before the State Administrative Tribunal (for short, "the Tribunal"). The Tribunal, after considering the case of the Constables, had dismissed the applications/ petitions by its judgment and order dated 10.04.2008. Aggrieved by the same, the Constables approached the High Court

in Writ Petition No(s).8573 of 2008 and connected matters.

8. The High Court, by the impugned judgment and order has disposed of the Writ Petition, upholding the order of the Tribunal. However, it directed the State Government that while considering the candidature of the Constables/respondents-herein in direct recruitment process, to not only grant relaxation in age but also in physical fitness requirements. The High Court observed that:

"On above analysis of the matter, we direct the respondent-Government to consider giving exemption to the petitioners from subjecting themselves to physical efficiency tests of One Star and Three Star in addition to the age relaxation in view of the long lapse of time, in the posts of Excise Constables now sought to be filled-up, inasmuch as no recruitment has been taken up, the Government in all fairness should come forward to do justice to the petitioners and other similarly situated persons who are actives and said to be around 200 in number."

9. Being aggrieved by the aforesaid directions, the State Government is before us in these Special Leave Petitions.

10. We have heard Shri Sanjay R. Hegde, Ms. Prerna Singh and Shri P.V. Krishnaiah, learned counsel for the parties to the *lis* and have carefully perused the material placed on record.

11. We have already noticed the directions issued by this Court while disposing of Civil Appeal No.604 of 2000 and connected matters. The only direction that was issued by this Court was that in the eventuality of a direct recruitment of constables in the Excise Department, the respondents' candidature need to be considered after giving relaxation of the age limit. No other direction was issued by this Court.

12. The High Court, while disposing of the Writ Petition filed by the petitioners-therein, in addition to directing the State Government to relax

the age requirement, had also directed to relax physical qualification requirements. The directions/ observations made by the High Court are in direct contradiction to the directions/ observations of this Court.

13. In our considered opinion, precepts of judicial decorum and discipline dictate that the High Court should respect and follow the directions issued by this Court. It ought not to have added or deleted the directions issued by this Court. We cannot, therefore, sustain the directions issued by the High Court insofar as it has directed the State Government to grant relaxation in qualifications while recruiting the Excise Constables in the Department.

14. In light of the aforesaid, we allow these appeals and set aside that portion of the order issued by the High Court in directing the State Government to relax physical qualification requirements.

15. In view of the above, pending application(s), if any stand disposed of.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(V.GOPALA GOWDA)

.....J.
(AMITAVA ROY)

NEW DELHI

AUGUST 25, 2015.

ITEM NO.10

COURT NO.1

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal(C)Nos.13163-13168/2010

(Arising out of impugned final judgments and orders dated 26/03/2009 in WP No. 8573/2008, WP No. 10432/2008, WP No. 10581/2008, WP No. 10658/2008, WP No. 21913/2008 and 26/02/2010 in CC No. 1794/2009, passed by the High Court of A.P. at Hyderabad)

STATE OF A.P. & ANR.

Petitioner(s)

VERSUS

M. LOOKAS BABU & ORS. ETC.

Respondent(s)

(With interim relief and office report)

WITH

SLP(C) No. 12877-12898/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

SLP(C) No. 18712-18728/2014

(With Interim Relief and Office Report)

SLP(C) No. 29842-29846/2014

(With appln.(s) for impleadment and appln.(s) for c/delay in refileing SLP and Interim Relief and Office Report)
(I.A. No.17-Application for impleadment)

SLP(C) No. 3944/2015

(With appln.(s) for exemption from filing certified/ordinary copy of impugned order and Office Report)

SLP(C) No. 34644-34646/2014

(With Interim Relief and Office Report)

S.L.P.(C)...CC No. 6081/2015

(With appln.(s) for c/delay in filing SLP and Office Report)

S.L.P.(C)...CC No. 5679/2015

(With appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 13415/2015

(With appln.(s) for deletion of the name of respondent and appln.(s) for exemption from filing lengthy list of dates and Office Report)

Date : 25/08/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. P. Venkat reddy, Adv.
Mr. Prashant Kr. Tyagi, Adv.
For M/s. Venkat Palwai Law Associates

Mr. G. N. Reddy, Adv. (NP)

Mr. Venkateswara Rao Anumolu, Adv.
Mr. Prabhakar Parnam, Adv.
Mr. Goli Rama Krishna, Adv.

Mr. T. V. Ratnam, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.
Ms. T. Anamika, Adv.

Dr. K.P. Kylasanatha Pillay, Sr. Adv.
Mr. A.V.S. Raju, Adv.
Ch. L. Sarveswar, Adv.
For Mr. Anil Kumar Tandale, Adv.

Mr. P.V. Krishnaiah, Adv.
Mr. R. Santhnan Krishnan, Adv.
Mr. C. S. N. Mohan Rao, Adv.

Mr. Debasis Misra, Adv.

Mr. D. Mahesh Babu, Adv. (NP)

Ms. Nidhi, Adv.

Ms. Prerna Singh, Adv.
For Mr. Guntur Prabhakar, Adv.

Mr. V.K. Siddharthan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SLP(C) Nos.13163-13168/2010

Leave granted.

The appeals are allowed in terms of in terms of the signed order.

SLP(C) Nos. 12877-12898/2014, S.L.P.(C)...CC Nos. 6081 and 5679/2015 of 2015

Issue notice and list these cases separately.

SLP(C) Nos.18712-18728, 29842-29846, 34644-34646 of 2014 and SLP(C) Nos.3944 and 13415/2015

List these cases separately next week.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order in C.A. Nos.... @ SLP(C) Nos.13163-13168/2010 is placed on the file.)