

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU
&
THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA

I.A.No.1 of 2023
In/And
Writ Appeal No. 783 of 2023

JUDGMENT: *(per Sri Justice D.V.S.S.Somayajulu)*

Heard learned counsel for the appellants and learned senior counsel appearing for the respondents.

2. Learned Senior counsel for the respondents submits that another co-ordinate Division Bench of the erstwhile High Court held that Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 applies to the employees of the endowment Departments/Temples. He also pointed out that the vacate stay application has also been filed and the matter was pending before the learned single Judge. He also submits that the case law on the subject is sufficiently clear that both the vacate stay and the appeal cannot be simultaneously prosecute.

3. Without going into the merits of the matter, in these circumstances this Court is of the opinion, the following order should be passed.

I.A.No.1 of 2023: Delay is condoned since no serious objection *per se* is raised by the learned senior counsel appearing for the respondents.

4. Since the vacate stay petition is pending, and it is informed that there is a Division Bench Judgment squarely on the subject, it would be appropriate and correct, in this Court's opinion, if the learned single Judge is directed to hear the vacate stay petition filed by the respondents and to decide the same on merits within a period of one (1) month from the date of receipt of a copy of this order.

5. Learned senior counsel in all fairness submits that if the vacate stay petition is being heard, he would not press for the contempt. The same is also noted.

With these observations, the Writ Appeal is disposed of.
No Costs.

As a sequel, Miscellaneous Applications, if any, pending shall also stand dismissed.

JUSTICE D.V.S.S.SOMAYAJULU

JUSTICE DUPPALA VENKATA RAMANA

Date: 09.08.2023.
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141

**THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU
&
THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA**

Writ Appeal No.783 of 2023

Dated: 09.08.2023

AG/ANS

