

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE MRS JUSTICE ANIS**

WRIT PETITION No.40853 OF 2014

ORDER:- (per Hon'ble Sri Justice K.C.Bhanu)

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of respondent Nos.5 and 6 in issuing notice, dated 23.12.2014, as illegal and arbitrary; to declare that respondent No.5 is unfit to hold the judicial post of Chairman of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal") and further, to direct respondent Nos.1 and 3 to take appropriate action on the representation, dated 26.12.2014, of the petitioner Association.

2. It is stated in the affidavit filed in support of the writ petition that the members of the petitioner Association could not access the cause list of the Tribunal of 24.12.2014, which is normally made available in the website of the Tribunal on 23.12.2014, and saw a notice, dated 23.12.2014, on the internet, which is reproduced as follows:

"Hon'ble The Chairman, Hon'ble Sri Deepak Kumar Panwar, Member (Adm.), Hon'ble Sri S.Sivaiah Naidu, Member (Judl) and Hon'ble Sri K.Ratna Kishore, Member (Adm.) are not attending the Tribunal on 24-12-2014 & 26-12-2014.

However, matters of urgent nature, if any, may be moved by way of House Motion before Hon'ble The Chairman at his Lordship's Official Residence on 24.12.2014 & 26.12.2014."

The Tribunal comprises of Hon'ble Chairman, four judicial members and three administrative members and all of them availed leave on 24.12.2014 and 26.12.2014 due of which the institution itself was closed down on 24.12.2014 and 26.12.2014 completely. The members of the petitioner Association went to the Tribunal on 24.12.2014 and asked respondent No.6 as to how a judicial institution can be closed on working days and as to how respondent No.5, who

admittedly was on leave, could take up judicial work by way of house motion at his Lordship's residence. The office of respondent No.6 simply stated that notice was issued under the instruction of respondent No.5. The members of the petitioner Association protested before the office of the Registrar about the closing down of the judicial institution. Though the Executive Committee Members of the petitioner Association tried to contact respondent No.5, respondent No.5 was not responding. Therefore, an emergency meeting of the Executive Committee was convened on 24.12.2014 and a resolution was passed condemning the action of respondent Nos.5 and 6. The petitioner Association also sent a complaint to His Excellency the Hon'ble President of India and the Hon'ble Chief Justice of India on 26.12.2014 as well as respondent Nos.1 and 2 by way of fax and registered post. Hence, the petitioner Association filed the present writ petition.

3. Heard.

4. By the impugned notice, statutory or constitutional right of the petitioner Association has not been violated so as to issue a mandamus. It is brought to the notice of this Court that the petitioner Association gave a representation on 26.12.2014 to respondent No.1 with regard to the absence of all the members including the Chairman, of the Tribunal, on 24.12.2014 and 26.12.2014 thereby causing lot of inconvenience. Therefore, respondent No.1 is directed to take a decision on the representation, dated 26.12.2014, of the petitioner Association in accordance with law. In the facts and circumstances of the case, we request the learned Chairman, Andhra Pradesh Administrative Tribunal, Hyderabad to see that all the members may not be absent on any working day, atleast one member or Chairman be present on a working day and Chairman and all the members may not apply for leave on any working day. We made this request for proper functioning of the institution. A litigant public cannot be made to suffer.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE K.C.BHANU

JUSTICE ANIS

Date: 31.12.2014
AMD



**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE MRS JUSTICE ANIS**

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WRIT PETITION No.40853 OF 2014

DATE: 31.12.2014

AMD