

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40886 of 2015

DATED : 17.12.2015

Between:

Tirumala Durga Rao, S/o.Seetaiah,
Age : 65 yrs, Retired employee,
Tadimalla Mandal, Nidadavolu Mandal,
West Godavari District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep., by its Principal Secretary to Panchayat Raj &
Rural Development,
Secretariat, Saifabad, Hyderabad & 2 others.

.. Respondents

The Court made the following:

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ORDER:

Petitioner retired from service. The grievance of the petitioner in the writ petition is regarding settlement of pensionary benefits. The petitioner is challenging the order of punishment of with holding 100% pension and gratuity. Petitioner being a Government servant has to invoke the jurisdiction of Andhra Pradesh Administrative Tribunal (for short 'the APAT') constituted under the Administrative Tribunal Act, 1985. As held by the Hon'ble Supreme Court in ***L. Chandra Kumar Vs Union of India***^[1] the APAT is the Court of first instance and without exhausting the remedy available under the Administrative Tribunal Act, an employee cannot directly invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

2. Having regard to the same, the Writ Petition is dismissed with liberty to avail the remedy as available under the Administrative Tribunal Act. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

Date: 17th December, 2015
Rds

^[1] AIR 1997 SC 1125