

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

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WRIT PETITION No.2577 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This writ petition is filed aggrieved by the order passed by the A.P. Administrative Tribunal in O.A.No.5504 of 2014 dated 17.09.2014.

The 1st respondent herein was appointed as a Home Guard in Nalgonda District in the year 1991. The petitioners allege that he abandoned service in the year 1991 itself and, after a lapse of more than 23 years, he submitted a representation to the Home Minister on 01.07.2014 requesting that he be reinstated as a Home Guard. On the ground that his representation was not considered, he invoked the jurisdiction of the A.P. Administrative Tribunal. By the order under challenge in this writ petition, the Tribunal directed the petitioners herein to consider the representation of the 1st respondent dated 01.07.2014 and pass appropriate orders as per Rules within a period of eight (8) weeks from the date of receipt of a copy of the order.

Learned Government Pleader for Services would submit that, as the 1st respondent had invoked the jurisdiction of the Tribunal 23 years after he had abandoned service, the question of his now being appointed as Home guard does not arise; mere submission of a representation does not confer any right on the 1st respondent to claim employment; and, having kept quiet for more than two decades, the Tribunal ought not to have entertained the request of the 1st respondent for a direction to the petitioners herein to consider his representation.

It is wholly unnecessary for this Court to examine the submission made by the learned Government Pleader on merits, as the direction which the Tribunal has issued is only for the petitioners herein to consider the representation of the 1st respondent dated 01.07.2014 within eight (8) weeks from

the date of receipt of a copy of the order. The consideration of the representation of the 1st respondent must be in accordance with Rules. The Tribunal has not issued any Mandamus that the 1st respondent be appointed/reinstated as a Home Guard. The order of the Tribunal merely requires the petitioners herein to examine the 1st respondent's representation, take a decision thereupon and communicate the same to him. What order should be passed on the representation of the 1st respondent is for the petitioners herein to decide. The Tribunal has not directed the petitioners herein to consider the representation in any particular manner.

In such circumstances, we see no reason to exercise discretion under Article 226 of the Constitution of India to interfere with the order of the Tribunal, more so as no prejudice can be said to have been caused to the petitioners herein as a result of the order passed by the Tribunal. Suffice it to permit the petitioners herein to consider the 1st respondent's representation, in accordance with the directions of the Tribunal, within eight (8) weeks from today.

The writ petition is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

10th February 2015.
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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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