

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 33035 of 2012

Date :17-10-2015

Between :

S.Subrahmanyam S/o late S Gangaiah
R/o Paidipalli, Harijanwada, Puttur mandal
Chittoor district

Petitioner

And

The Superintending Engineer,
Irrigation Department, Chittoor & others

Respondents

The Court made the following:

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ORAL ORDER:

Petitioner claims to have been recruited as Head Mazdoors on NMR basis under the 4th respondent on 2.1.1986 and worked till 3.8.1987. Grievance of the petitioner is that his services were dispensed with summarily without following due procedure and Section 25 (f) of the Industrial Disputes Act and he was thrown out of employment.

2. Averments made in the affidavit filed in support of the writ petition and material enclosed would disclose that petitioner earlier filed W P No. 4005 of 1991 and the same was disposed of by order dated 20.3.1991 directing consideration of the claim of the petitioner for engagement as Head Mazdoor in any future vacancies subject to petitioner satisfying the fact that he worked as Head Mazdoor from 2.1.1986 to 3.8.1997. Alleging that said order is not complied with and he was not engaged, he filed W P No. 4105 of 1994 and said writ petition was disposed of by order dated 9.10.1995 directing the respondents to consider the case of the petitioner if any vacancy arises in future, provided such appointment is not contrary to the rules and Government orders issued in respect of such appointment.

3. This writ petition is filed alleging non consideration of the claim of the petitioner for re-employment as Head Mazdoor, in spite of directions issued by this Court in the above referred two writ petitions.

4. As seen from the prayer sought in the writ petition and averments made in the affidavit filed in support of the writ petition, petitioner is seeking employment in State Government service. It is now well settled that all matters concerning recruitment and employment in the state services are now vested in Administrative Tribunals constituted under the Administrative Tribunals Act, 1985. Service grievance has to be agitated before the Administrative Tribunal and without availing the said remedy under the Act, 1985, this writ petition is instituted directly.

5. The constitutional validity of establishment of Administrative Tribunals is upheld by the Supreme Court in **L. Chandra Kumar v. Union of India**^[1], wherein it is held that Administrative Tribunal is the Court of first instance in service disputes and aggrieved party has to first invoke the jurisdiction of the Administrative Tribunal

and no writ petition can be directly filed before the writ Court.

6. In the present case there is no averment in the affidavit as to why petitioner has not availed the remedy under the Administrative Tribunals Act. The writ petition is not maintainable and accordingly the same is dismissed, leaving it open to the petitioner to avail appropriate remedy as available under law. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:17.11.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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[\[1\]](#) (1997) 3 SCC 261