

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 1126 OF 2015

ORDER:

The petitioner called himself as an ex-government servant and instituted this Writ Petition challenging the orders passed by the State Government contained in their G.O.Rt. No. 507, dated 15.05.2000 as well as the orders passed by the State Government contained in G.O.Ms. No. 150, dated 20.06.2006.

At page 19 of the Writ Petition paper book, a copy of the order passed by the State Government in their G.O.Rt. No. 507 Agriculture and Cooperation (MKTG.III) Department, dated 15.05.2000 has been placed. Through this order, the State Government exercised the power conferred on it under Rule 172(4) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Rules, 1969 and placed the petitioner, who is working as a Selection Grade Secretary of the Agricultural Market Committee at Khammam, under suspension pending enquiry into the disciplinary proceedings. A copy of the orders passed by the State Government in their G.O.Ms. No. 150, Agriculture and Cooperation (VIG.II) Department, dated 20.06.2006 is placed at page 17. Through these orders, the government exercised the power available to it under Rule 171 of the above mentioned Rules and dismissed the petitioner from service of the Agricultural Market Committee, Khammam, whereas the learned counsel for the petitioner Ms. Rekha, would contend that the petitioner is a government servant, which is not a correct statement. The petitioner obviously was employed with the Agricultural Market Committee, which is constituted in accordance with Section 4 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966. He is not a government servant. So far as the agricultural market committees are concerned, they have been found to be answering the description of a 'local authority'. The service disputes of employees of local authorities, such as agricultural market committees can be agitated, for the first time,

only before the Andhra Pradesh Administrative Tribunal and in case of necessity thereafter, a judicial review of any such decision can be taken up by this Court. If the petitioner has not availed of any such remedy by approaching the Andhra Pradesh Administrative Tribunal, possibly, in view of lapse of long time from the date on which the impugned order of dismissal has been passed on 20.06.2006, he cannot institute this Writ Petition for overcoming the period of limitation prescribed under the Administrative Tribunals Act, 1985, on the precious plea that there is no specified period of limitation provided for invoking the jurisdiction of this Court under Article 226 of the Constitution. In view of the judgment rendered by a Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India***^[1], this Writ Petition cannot be entertained, at the first instance. Hence, it is dismissed. No costs.

Registry is directed to return the originals of the impugned order, in case it is filed along with this Writ Petition.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

28th January 2015
ksld

^[1] (1997) 3 SCC 261