

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.37976 of 2015

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DATED : 23.11.2015

Between :

Nikkula Sravani D/o.Late N.Koteshwara Rao,
Hindu, Aged about 19 yrs, Unemployee,
R/o.Door No.50-29-06, C 1/2,
Government Residential Quarters,
Seethammadhara, Visakhapatnam.

.. Petitioner

and

The Divisional Forest Officer,
Office of Divisional Forest Office,
Van Vikas Complex, R.K.Mission Road,
Pandurangapuram,
Visakhapatnam-500 003,
State of Andhra Pradesh & 2 others.

.. Respondents

This court made the following :

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ORDER :

The petitioner's father was an employee in Forest Department of the State Government. He died on 03.11.2014 while in service. Petitioner seeks employment under the scheme of compassionate appointment in the Government service. Thus, the grievance of the petitioner is relating to provision of employment in Government service.

2. With reference to adjudication of grievances relating to employment in Government service, Andhra Pradesh Administrative Tribunal (APAT) is constituted under the Administrative Tribunal Act, 1985 (for short 'the Act'). Any aggrieved person has to invoke the jurisdiction of APAT to ventilate his grievance and to seek redress. When the APAT is validly constituted and having the jurisdiction, ordinarily this Court do not entertain the writ petition concerning the service grievances relating to State Government. The Hon'ble Supreme Court, in

L. Chandra Kumar Vs Union of India, held that the APAT is the Court of first instance and aggrieved person should invoke the jurisdiction of APAT at the first instance and the writ petition cannot be filed under Article 226 of the Constitution of India.

3. Having regard to the fact that when an effective and efficacious remedy is available to the petitioner before the APAT under Section 19 of the Act, this Writ petition is not maintainable.

4. Accordingly the Writ petition is dismissed leaving it open to the petitioner to avail the remedy available under the 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

23rd November, 2015

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