

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.13590 of 2014

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DATED : 19.11.2015

Between :

Y. Eshwaraiah S/o.Late Y. Subbanna,
Aged 43 yrs, Occu : Assistant Trainee Officer,
Fitter Trade (terminated), Government ITI,
Guntakal, Anantapuram District,
R/o.N.Venkatampalli Village,
Guntakal Mandal, Anantapuram District.

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Petitioner

and

The Government of Andhra Pradesh,
Rep., by its Principal Secretary to Government (R & E),
Finance (SMPC-II), Department,
Secretariat Buildings, Hyderabad & 3 others.

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Respondents

This court made the following :

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WRIT PETITION No.13590 of 2014

ORDER :

Petitioner claims to have been appointed as Assistant Trainee Officer, Fitter Trade, on contract basis in the Government ITI, Guntakal, Anantapur District, on 01.09.2010. Petitioner is aggrieved by the order of termination of his service dated 28.03.2014 with effect from 01.04.2014. Aggrieved by the said order, this writ petition is filed.

2. As seen from the averments in the affidavit filed in support of this writ petition, and the orders concerning his appointment and termination, the petitioner was appointed on contract basis to the post borne in the service of Government of Andhra Pradesh. Thus, petitioner was an employee working in the service of State Government. Even appointments made on contract basis is treated as holding a civil post and a person aggrieved by termination of his contract of service in the civil post, has to invoke the jurisdiction of Andhra Pradesh Administrative Tribunal (for short 'the APAT'), for redressal of his grievance in accordance with the provisions of the Administrative Tribunal Act, 1985 (for short 'the Act').

3. Earlier there was some difference of opinion with reference to the jurisdiction of the Administrative Tribunal to entertain service grievance of a person appointed on contract basis. On a reference to the Full Bench of this Court, in the case of **Mohammad Azmat Ali Vs Director of Intermediate Education** ^[1] it was held that that even if a person appointed on contract basis under Rule 9 (a) of the Andhra Pradesh State and Subordinate Service Rules, 1996, holds the civil post and is required to approach the Tribunal constituted under the Act in the first instance for redressal of his grievance. This writ petition is filed directly in this Court assailing the order of termination without invoking the jurisdiction of the APAT.

4. Having regard to the same, the writ petition is not maintainable and is accordingly dismissed, leaving it open to the petitioner to avail the remedy as 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

19th November, 2015
Note : Issue c.c. by 23.11.2015.
B/o.
Rds

[\[1\]](#) 2012 (3) ALT 151