

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

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

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WRIT PETITION No.41357 of 2014

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

Heard Sri K.Muralidhar Reddy, learned counsel for the petitioner and the learned Government Pleader for Services and, with their consent the writ petition is being disposed of at the stage of admission.

The petitioner, while working as the Managing Director and Chief Accounts Officer of the Kovur Co-operative Sugar Factory Limited, Nellore, was placed under suspension by order dated 30.08.2014. Aggrieved thereby, the petitioner filed W.P.No.30873 of 2014 and, against the notice issued in the writ petition, he filed W.A.No.1331 of 2014. A Division Bench of this Court, by order in W.A.No.1331 of 2014 and W.P.No.30873 of 2014 dated 31.01.2014, held that the petitioner was an employee of the Government, and was working under the control of Commissioner of Sugars; he was posted in one of the sugar factories; he was a civil servant as defined under the Administrative Tribunals Act, 1985 (for short "the Act"); and, therefore, his remedy was to approach the A.P. Administrative Tribunal. Both the Writ Appeal and the Writ Petition were dismissed, leaving it open to the petitioner to avail the remedies before the proper Forum. Subsequent thereto, the petitioner invoked the jurisdiction of the A.P. Administrative Tribunal.

Sri K.Muralidhar Reddy, learned counsel for the petitioner, would fairly state that, by oversight, the aforementioned order of the Division Bench was not brought to the notice of the Tribunal. The Tribunal, by the order under challenge in this writ petition, held that the petitioner was only an employee of the sugar factory; he was not a State Government servant; an application under

Section 19 of the Act was not maintainable before the Service Tribunal; and the remedy of the applicant was elsewhere.

The order of the Division Bench in W.A.No.1331 of 2014 and W.P.No.30873 of 2014 dated 31.10.2014 is binding on the Tribunal. As the impugned order was passed, holding that the petitioner was not a Government Servant, in ignorance of the order passed by the Division Bench of this Court in the aforesaid judgment, we consider it appropriate to set aside the order passed in O.A. No.6566 of 2014 dated 27.11.2014, and to request the Tribunal to hear O.A.No.6566 of 2014 afresh after taking into consideration the order passed by the Division Bench in W.A.No.1331 of 2014 and W.P.No.30873 of 2014 dated 31.10.2014.

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

28th January 2015.
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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Date: 28.01.2015

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