

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.17640 of 2015

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DATED : 18.11.2015

Between :

G.Eshwar S/o.Late G.Narsaiah,

Aged about 49 yrs, Occu :Development Officer (under Dismissal),

O/O.Assistant Director, Handlooms and Textiles,

Nalgonda District.

.. Petitioner

and

The State of Telangana,

Rep., by its Special Chief Secretary to Government &

Commissioner for Industrial Promotion,

Industries and Commerce (Vigilance) Department,

Secretariat, Hyderabad & another.

.. Respondents

This court made the following :

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ORDER :

Petitioner was a Development Officer in Handlooms and Textiles Department in the State of Telangana. Petitioner was dismissed from service vide orders in G.O.Ms.No.19 dated 18.03.2015. The said order is under challenge in this writ petition, on various grounds.

2. It is not in dispute that the petitioner is an employee of State of Telangana. Adjudication of service disputes concerning State of Telangana are vested in Andhra Pradesh Administrative Tribunal (for short 'the APAT') constituted under the Administrative Tribunal Act, 1985 (for short 'the Act'). The APAT is vested with all powers as exercisable by the writ Court under Article 226 of the Constitution of India.

3. The Hon'ble Supreme Court, in the case of ***L. Chandra Kumar Vs Union of India***, while upholding the constitutional validity of the provisions of Articles 323 (A) and 323 (B) of the Constitution of India, held that the APAT constituted under the Act is the court of first instance regarding adjudication of service disputes and ordinarily no writ can be entertained directly by the Writ Court. Except for the grievance of not following the procedures in dismissing an employee and illegally resorting to provisions under Article 311 (2) (b) of the Constitution of India, there is no averment in the writ petition as to why the petitioner has directly invoked the jurisdiction of this Court without availing the remedy of approaching the APAT under Section 19 of the Act. The grievance agitated in the writ petition being one of service grievance of the State Government employee, the petitioner has to approach the APAT before invoking the jurisdiction of this Court. It can not be said that the remedy available under the Act is not an efficacious and effective remedy, in view of the authoritative pronouncement of the Hon'ble Supreme Court, in ***L.Chandra Kumar Case (supra)***. Thus, the writ petition is not maintainable.

4. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to avail appropriate remedies 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

18th November, 2015

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