

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41701 of 2015

-
Date: 28.12.2015

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Between:

Nakka Rama Rao, S/o late Nakka Subba Rao,
Aged about 45 years, Occu: Unemployed,
R/o Door No.6-2016, Chinna Kakani Village,
Mangalagiri Mandal, Guntur District, A.P.,

.....Petitioner

And

The State of Andhra Pradesh, rep.by its Principal
Secretary, Municipal Administration & U.D.A.Department,
Secretariat, Hyderabad and others.

.....Respondents

The Court made the following:

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ORDER:

Petitioner is seeking for direction to appoint him on compassionate grounds on account of the demise of his mother, who worked as Primary Health Worker in Vijayawada Municipal Corporation. The Vijayawada Municipal Corporation is also one of the authorities notified under Section 15(2) of the Administrative Tribunals Act, 1985 and the service grievances concerning employment in Vijayawada Municipal Corporation are now vested in the Andhra Pradesh Administrative Tribunal constituted under the Administrative Tribunals Act, 1985 (for short, "Act, 1985"). The grievance of the petitioner is non-appointment on compassionate grounds which is a service matter and therefore, petitioner has to invoke the jurisdiction of Andhra Pradesh Administrative Tribunal.

2. As held by the Supreme Court in ***L.CHANDRA KUMAR VS. UNION OF INDIA***^[1], the Administrative Tribunal is the Court of first instance concerning all grievances relating to service in the Government as well as the authorities which are notified under Section 15(2) of the Act, 1985. Thus, petitioner has to avail the remedy as available under the Administrative Tribunals Act, 1985. Therefore, the writ petition is not maintainable and is accordingly dismissed, leaving it open to the petitioner to avail the remedy as available under the Administrative Tribunals Act, 1985. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 28.12.2015

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[\[1\]](#) AIR 1997 SC 1125