

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND**

THE HON'BLE MRS JUSTICE ANIS

-
WRIT PETITION No.16850 OF 2015

ORDER:- (per Hon'ble Sri Justice K.C.Bhanu)

This writ petition is filed challenging the order, dated 13.3.2014, in O.A.No.1580 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. Respondent No.1 herein/applicant filed the aforementioned Original Application before the Tribunal to declare the action of the petitioners herein in not considering his claim for promotion to the post of Range Officer by assigning notional seniority, which was agreed and confirmed, and seeking to promote admitted juniors as illegal and arbitrary, and consequently, to direct the petitioners herein to promote him to the post of Range Officer.

3. The Tribunal, upon considering the material on record, disposed of the aforementioned Original Application at the stage of admission directing the petitioners herein to promote the applicant notionally to the post of Deputy Range Officer for the panel year 2004-2005 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of that order. Challenging the same, Government filed the present Writ Petition.

4. Learned Government Pleader for Services – I (Telangana State) appearing for the petitioners herein contended that without giving an opportunity to the petitioners herein, the aforementioned Original Application was disposed of at the stage of admission; that respondent No.1/applicant was under punishment and the Tribunal was wrong in saying that further action against the applicant as well as the punishment

imposed against him were dropped and hence, he prays to remand the matter to the Tribunal for disposal afresh.

5. On the other hand, learned counsel appearing for respondent No.1/applicant contended that respondent No.1 was imposed punishment prior to the panel year 2004-2005 and that punishment will not be a bar for giving promotion to the post of Deputy Range Officer, which is a subsequent event, and hence, prays to sustain the impugned order.

6. The contentions raised relate to question of fact. Unless pleadings are completed, it is not possible to decide a question of fact. Since the aforementioned Original Application was disposed of at the stage of admission without there being any counter filed by the petitioners herein, the impugned order is liable to be set aside.

7. Accordingly, the Writ Petition is allowed setting aside impugned order and the matter is remanded to the Tribunal with a request to dispose of the aforementioned Original Application afresh in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order, by treating the writ petition as a counter in the Original Application. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE K.C.BHANU

JUSTICE ANIS

Date: 19.6.2015
AMD

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE MRS JUSTICE ANIS**

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DATE: 19.6.2015

AMD