

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND
THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.6535 of 2016

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03.03.2016

Between:

The State of Andhra Pradesh,
represented by its Secretary,
Home Department, Hyderabad and others

..Petitioners

And

P.Munirathnam and others

..Respondents

Counsel for the petitioners: Government Pleader for Services (AP)

Counsel for the respondents: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The State of Andhra Pradesh, the Director General of Police (AP) and two others filed this writ petition feeling aggrieved by the order, dated 27.07.2015, in O.A.No.6757 of 2014 with V.M.A.No.127 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') – respondent No.5.

2. A perusal of the impugned order shows that the Tribunal has not discussed the merits of the aforementioned O.A. and instead, it observed that O.A.No.5900 of 2012 filed raising similar issues was disposed of by it, by order, dated 10.04.2013; that the said order was confirmed by this Court in W.P.Nos.37146 and 39280 of 2013, by common order, dated 24.03.2014, and accordingly, it allowed O.A.No.6757 of 2014, in terms of the order, dated 10.04.2013, in O.A.No.5900 of 2012.

3. At the hearing, the learned Government Pleader for Services (AP) representing the petitioners has submitted that the facts in O.A.No.5900 of 2012 are not similar to that in O.A.No.6757 of 2014 and that therefore, the Tribunal has committed an error in allowing the latter O.A. based on the order passed in the former O.A. She has further submitted that the orders passed in certain other O.As., which are similar to O.A.No.6757 of 2014, were questioned in certain writ petitions before this Court and that interim orders were also granted in those writ petitions.

4. A perusal of the averments in the affidavit filed in support of this writ petition does not show that the Government Pleader appearing for the petitioners before the Tribunal brought the above facts to its notice. We feel that if the facts, which are now sought to be placed before this

Court, were placed before it, we have no reason to believe that the Tribunal would not have considered the same. Therefore, we feel that this is a fit case, where the petitioners shall file a review before the Tribunal and place before it, the facts in O.A.No.6757 of 2014, which purportedly vary with the facts in O.A.No.5900 of 2012.

5. The petitioners are, accordingly, permitted to file a review before the Tribunal within a period of four weeks from today. If such review is filed, the Tribunal may consider and dispose of the same, on merits, within a period of two months thereafter. Till the review is disposed of, the impugned order shall not be given effect to.

6. Subject to the liberty given to the petitioners and the directions as above, the Writ Petition is disposed of.

7. As a sequel to disposal of the writ petition, W.P.M.P.No.8319 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

ANIS, J

03rd March, 2016
GHN