

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 13938 OF 2005

DATED 30TH JUNE, 2016

Between:

Kunmalla Subhash

... Petitioner

AND

The Controller,
Legal Metrology (Weights & Measures),
Government of Andhra Pradesh,
Hyderabad, and others

... Respondents

Counsel for the petitioner

: Sri G.Tuhin Kumar

Counsel for the respondents

: G.P. for Services (T.S.)

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by order dated 25-05-2005 dismissing the application filed for restoring the O.A., dismissed for default on the ground that the same was filed beyond the period of 30 days as prescribed under Rule 17 (2) of the Andhra Pradesh Administrative Tribunal (Procedure) Rules, 1989 (for short, '1989 Rules'), the unsuccessful applicant before the Tribunal filed this Writ Petition.

2. A Full Bench of this Court in ***G.Narasimha Murty and others Vs.***

District Collector, Mahabubnagar and others^[1] held that Rule 17 (2) of 1989 Rules insofar as it prescribes limitation of 30 days from the date of dismissal was concerned, was declared as arbitrary, discriminatory,

unreasonable, irrational and unconstitutional. This judgment was followed by a Division Bench of this Court in its order dated 15-12-2008 in W.P.No.1081 of 2005, whereunder the Writ Petition, filed by a person who is similarly situated to the petitioner, was allowed with a direction to the Tribunal to decide the application for restoration of the O.A. on its own merits.

3. Following the position of law as discussed above, the order of the Tribunal impugned in this Writ Petition is set aside. The Tribunal shall dispose of the miscellaneous application filed by the petitioner for restoration of the O.A. on merits without raising any objection on the aspect of limitation.

4. The Writ Petition is, accordingly, allowed.

5. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 17688 of 2005 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM

PRASAD, J.

Date: 30-06-2016.

JSK

[\[1\]](#) 2006 (3) ALT 433 (F.B.)