

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 3195 OF 2016

Date: 18.02.2016

Between:

The Commissioner,
Planning Development (P&D) of Godavari Basin,
Jalasoudha, Yerramanzil, Telangana State,
Hyderabad, and two others.

..... Petitioners

And:

Anil Prasad Chaurasia,
Secunderabad, and another.

.....Respondents

Counsel for the Petitioners: G.P for Services (TS)

Counsel for Respondent No.1 : Sri C. Sai Reddy

Counsel for Respondent No.2 : -

The Court made the following:

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

Feeling aggrieved by order dated 31.10.2014 in O.A.No.4966 of 2013 with C.A.No.1640 of 2013 of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), the respondents in the said O.A have filed this writ petition.

Learned Government Pleader for Services (TS) appearing for the petitioners submitted that in pursuance of an interim order granted in O.A.No.4966 of 2013, petitioner No.1 has rejected the claim of respondent No.1 for assigning the seniority in the cadre of Junior Assistant with effect from 10.05.1993 and that without examining the validity or otherwise of the rejection, the Tribunal has allowed the O.A filed by respondent No.1 purporting to follow order dated 13.07.2012 in O.A.No.5491 of 2012.

After hearing the learned counsel for both parties and perusing order of the Tribunal, we find merit in the submission of the learned Government Pleader.

Learned counsel for respondent No.1 has not disputed that in pursuance of the interim order in O.A.No.4966 of 2013 of the Tribunal, petitioner No.1 has informed in writing to respondent No.1 that his request for assigning seniority in the cadre of Junior Assistant with effect from 10.05.1993 is rejected. He, however, complains that the said communication is not in the form of formal order.

The learned Government Pleader, however, points out that the said letter is an annexure to Memo No.C2/611/2012/1132 dated 27.08.2013, a copy of which is filed along with the writ petition.

On perusal of the said memo, we are in agreement with the submission of the learned Government Pleader that the rejection of respondent No.1's request was sent along with the said memo dated 27.08.2013. In our opinion, the Tribunal ought to have considered the said rejection of respondent No.1's request through memo dated

27.08.2013 before granting relief to him.

For the above-mentioned reasons, the impugned order is set aside. The matter is remitted back to the Tribunal for fresh disposal of the O.A in the light of the rejection order communicated by petitioner No.1 *vide* Memo No.C2/611/2012/1132 dated 27.08.2013. The Tribunal shall dispose of the O.A as expeditiously as possible and not later than three months from the date of receipt of this order.

The Writ Petition is accordingly allowed.

As a sequel to allowing the writ petition, W.P.M.P.No.4059 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 18.02.2016

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