

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.5530 of 2016

Date:25.02.2016

Between:

V.Yendanna,
S/o V.Mallanna

....Petitioner

And:

The State of A.P., repled by its
Principal Secretary, Industries &
Commerce Department, Hyderabad
and two others.

.....Respondents

Counsel for the petitioner: Mr. D.Linga Rao

Counsel for Respondent Nos.1 & 2: GP for Services (AP)

The Court made the following:

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

This Writ Petition is filed for a *Certiorari* to quash order dated 07.7.2015, in O.A.No.5355 of 2013 with VMA.No.153 of 2015 and C.A.No.835 of 2014 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad.

The petitioner along with two others filed the above-mentioned O.A for a declaration that they are entitled to be continued in service up to 60 years with all consequential benefits. By the above-mentioned order, the Tribunal has rejected the claim of the petitioner on the ground that he failed to place before it the details relating to his appointment/promotion as Chainman from the post of Attender and that, in the absence of clear evidence to the effect that his appointment/promotion as Chainman was subsequent to the commencement of the Andhra Pradesh Last Grade Service Rules, 1999, he is not entitled to the relief claimed by him in the said O.A.

At the hearing, Mr. D.Linga Rao, learned counsel for the petitioner, placed before the Court a photo copy of the Service Register of the petitioner, which *prima facie* shows that he was promoted as Chainman and reported to duty on the forenoon of 04.12.1985 and that, his pay is fixed at Rs.875/- per month with effect from 05.12.1995 in the time scale of Rs.1,425-2,525 under F.R.22(a)(i) read with F.R.31(2). The learned counsel has fairly conceded that this material was not filed by the petitioner before the Tribunal along with the said O.A.

In these facts of the case, we feel it appropriate that the petitioner is permitted to place the above-mentioned material before the Tribunal and the O.A. is considered and disposed of by the Tribunal afresh in the light of the said material.

Accordingly, the impugned order is set aside. The O.A. is remanded to the Tribunal for fresh consideration based on the additional material that may be filed by the petitioner. The petitioner is granted three weeks' time for filing such material and the Tribunal shall consider such material and dispose of the said O.A. afresh within one month thereafter.

The Writ Petition is, accordingly, allowed to the

extent indicated above.

As a sequel to disposal of the Writ Petition, WPMP.No.7037 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*25th February, 2016
DR*