

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

WRIT PETITION No.30932 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the unsuccessful applicant in O.A.No.3223 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed by order dated 22.08.2016. The said dismissal was at the stage of admission without inviting a counter from the respondent authorities.

One of the issues raised by the petitioner/applicant before the Tribunal was that he does not possess the qualification to be posted as a Professor for Post Graduate Courses and therefore, the transfer to this effect is contrary to the statutory rules. He also raised other issues which seem to have been completely ignored by the Tribunal. The current practice of deciding service matters at the admission stage without inviting a counter on merits, even in cases which warrant such a measure, is not proper. It would be appropriate for the Tribunals constituted under the Administrative Tribunals Act, 1985, to be mindful of this aspect while dealing with service matters which come before them.

In the light of the issues raised by the petitioner/applicant before the Tribunal, the cursory dismissal of the O.A. on technicalities was therefore unjustified. The order passed by the Tribunal in O.A.No.3223 of 2016 is accordingly set aside and the matter is remitted to the Tribunal for consideration afresh on merits and in accordance with law, after inviting the response of the authorities. It shall be open to the petitioner/applicant to press for interim relief before the Tribunal and such plea, if raised, shall be considered by the Tribunal on its own merits expeditiously.

The writ petition is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Date: 14.09.2016

Note:

Furnish C.C. today.

(B/o) **GJ**