

THE HON'BLE SRI JUSTICE G.CHANDRAIAH
and
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.24930 of 2015

ORDER: *(Per Hon'ble Sri Justice G.Chandraiah)*

This Writ Petition is filed by the petitioner aggrieved by the order dt:10.04.2015 passed in M.A.No.818 of 2015 in O.A.No.3787 of 2014 on the file of Andhra Pradesh Administrative Tribunal (for short "Tribunal"), Hyderabad wherein the Tribunal dismissed the M.A including the O.A on merits.

2) The case of the petitioner is that by Proceedings No.A/516/2012-1 dt:18.09.2013, a punishment was imposed on him after due enquiry. Questioning the same, he filed the O.A. During the pendency of O.A, after hearing the matter the Tribunal passed an interim order dt:20.06.2014. Originally Sri M.V.Rama Rao, Counsel filed Vakalat along with O.A and subsequently he became Government Pleader and the matter was listed for hearing.

3) On behalf of the Government Vacate Petition V.M.A.No.59 of 2015 was filed. At that stage the Tribunal passed an order dt:10.02.2015 dismissing the O.A on the ground that no Advocate filed Vakalat for the applicant even till today and the applicant is also absent. It also observed that it appears that the applicant is not interested to pursue the Original Application (O.A) and accordingly, dismissed the

O.A along with M.A and V.M.A was closed.

4) While-so on behalf of the applicant M.A.No.818 of 2015 was filed seeking restoration of the O.A.No.3787 of 2014. The said M.A was dismissed on the ground that the applicant filed appeal against the impugned punishment proceedings before the Government and when the same is pending, the applicant filed O.A before the Tribunal simultaneously against the same impugned punishment proceedings. The O.A was dismissed also on the observation that apart from there being no merits in the O.A, the Tribunal finds, there are no grounds for restoration of the O.A.

5) Heard learned counsel for petitioner and the learned Government Pleader for Social Welfare (T.G).

6) A perusal of the impugned order passed by the Tribunal reveals that there is no discussion about the merits of the case. In that view of the matter, the Writ Petition is allowed and the impugned order is set aside and the matter is remanded back to the learned Tribunal directing to take up the O.A.No.3787 of 2014 on merits so as to enable both the parties to contest the matter and invite the orders from the Tribunal. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

G.CHANDRAIAH, J

U.DURGA PRASAD RAO, J

Dt: 11.02.2016

scs