

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

WRIT PETITION No.7777 of 2016

Date:10.3.2016

Between:

M.A.Javid,
S/o M.A.Ghani

....Petitioner

And:

The State of Telangana, repled., by its
Principal Secretary, Revenue Department,
Hyderabad and six others.

.....Respondents

Counsel for the petitioner: Mr. S.Gopal Rao

Counsel for Respondent Nos.1 to 5: GP for Services (TS)

The Court made the following:

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

The petitioner, who filed Original Application No.5634 of 2015 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') assailing proceedings, vide Procs.No.E/535/2015-V, dated 26.9.2015, of respondent No.2 revising the panel of approved candidates for the posts of Sub-Registrars, Grade-II, filed this Writ Petition feeling aggrieved by the dismissal of the said O.A. on the ground of availability of alternative remedy of appeal under Rule-26 of the Andhra Pradesh State and

Subordinate Service Rules, 1996 (for short 'the Rules').

Mr. S.Gopal Rao, learned counsel for the petitioner, submitted that the Tribunal having entertained the above-mentioned O.A., ought to have disposed of the same on merits instead of placing reliance on Section-20 of the Administrative Tribunals Act, 1985.

It is not in dispute that if the petitioner felt aggrieved by the revision of panel of approved candidates, he was entitled to avail the remedy of appeal under Rule-26 of the Rules. Therefore, the Tribunal felt it appropriate to relegate the petitioner to the appellate remedy instead of deciding the O.A. on merits. This view taken by the Tribunal being a plausible view, though not the only correct view, we refrain from interfering with the impugned order of the Tribunal.

Learned counsel for the petitioner submitted that during the pendency of the above-mentioned O.A., his client had secured interim order, on the strength of which, he was not reverted from his present post and that, there is a likelihood of his immediate reversion.

In view of the above submission of the learned counsel, the interim order of *status quo*, dated 29.9.2015, granted by the Tribunal shall continue for a period of one month from today. In the meantime, the petitioner can file an appeal before respondent No.1 and seek appropriate interim relief pending the appeal.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.9889 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA
REDDY

JUSTICE M.S.K.JAISWAL

10th March 2016
DR