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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The petitioner, who is the applicant in O.A.No. 1383 of 2008 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), asserts that on 10.12.1984, he was initially appointed as Supervisor in Children Home for Boys, Hyderabad, and subsequently, on 01.05.1994, he was appointed as Typist by transfer in Special Home for Boys, Hyderabad, and ever since, he has been working as such and his probation in the category of Typist was declared on 01.05.1994. While so, it is stated that the

2nd respondent issued proceedings dated 07.02.2008 reverting the petitioner from the post of Typist to the post of Supervisor on the ground that the A.P. Ministerial Service Rules were amended on 30.10.1998 and the 3rd respondent, vide proceedings dated 08.02.2008, relieved the petitioner from his duties. Being aggrieved by the proceedings dated 07.02.2008 and 08.02.2008, when the applicant filed O.A.No. 1383 of 2008, the Tribunal, by order dated 19.02.2008, while admitting the O.A. suspended both the proceedings. The respondents

herein filed V.M.A.No. 308 of 2008 seeking vacation of the interim suspension. As there was no representation on behalf of the petitioner, the Tribunal, by order dated 11.03.2011, while dismissing the O.A. for default allowed V.M.A.No. 308 of 2008 vacating the interim orders. Now, the petitioner's grievance is that when the petitioner filed M.A.No. 753 of 2011 in O.A.No. 1383 of 2008 seeking restoration of the O.A., the Tribunal, by order dated 20.07.2015, dismissed the application, in pursuance of which, the 2nd respondent issued proceedings dated 23.12.2015 reverting the petitioner to the post of Supervisor. Hence, the present writ petition is filed seeking to set aside the order dated 20.07.2015 of the Tribunal and also the consequential proceedings of the 2nd respondent.

The learned counsel for the petitioner has submitted that in fact, on the date of dismissal of the application for restoration of the O.A., the Advocate, who appeared before the Tribunal, was present in the Court Hall, but just before the case reached, he was called in another Court, therefore he was not able to make any representation when the O.A. was taken up for hearing, as such, he prays to allow the writ petition.

Heard the learned counsel for both the parties and perused the material placed on record.

Merely because of the laches on the part of the Advocate before the Tribunal in failing to make

representation when the matter was called, the party should not be made to suffer. Considering the submissions made by the learned counsel for the petitioner and the facts and circumstances of the case and particularly keeping in view the interest of the party in prosecuting the matter, we are inclined to make the following order:

“The impugned order dated 20.07.2015 passed by the Tribunal in O.A.No. 1383 of 2008 is set aside, and consequently, O.A. is restored to file, however the same shall be subject to the condition that the learned counsel for the petitioner, who is on record, before the Tribunal, pays an amount of Rs.500/- (Rupees Five Hundred Only) to the Telangana State Legal Services Authority, Hyderabad within a period of ten days from today.”

Subject to the above, the writ petition is allowed. No order as to costs.

As a sequel to the allowing of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

29.01.2016

U.DURGA PRASAD

RAO,J

Note: Furnish copy in three days

b/o

bcj