

**HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No. 39599 of 2015

DATED 18TH JANUARY, 2016

BETWEEN

V.Kailashnath

...Petitioner

And

The State of A.P., rep. by its Principal Secretary,
PR & RD Department, Secretariat, Hyderabad and ors.

...Respondents

**HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No. 39599 of 2015

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

This Writ Petition is filed against the order dated 13.02.2015 passed in O.A.No.1067 of 2015 by the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') whereby the Tribunal directed to issue notice to the respondents returnable in two weeks.

The petitioner is working as Superintending Engineer on

Incharge basis. He got promotion as Deputy Executive Engineer in 1994 and as a Executive Engineer on temporary basis through order dated 7.4.2003. It is his further case that by virtue of confirmed seniority list dated 14.12.2013 in the category of Deputy Executive Engineer, he would be getting eligibility for promotion as Executive Engineer from 1991-92 panel and thereafter further promotions. However, no regular promotions or regularization in the category of Executive Engineer are given before or after bifurcation. While so, due to division of erstwhile State of Andhra Pradesh, the petitioner was surrendered to State of Telangana through proceedings dated 5.2.2015 and 6.2.2015 on the sole ground that his substantive post of DEE was shown in Zone VI. Aggrieved by the same, the petitioner approached the Tribunal by filing OA.No.1067 of 2015 wherein the Tribunal ordered notice to the respondents as stated supra.

Having regard to the nature of relief sought for in the OA and facts and circumstances pleaded therein, the Tribunal thought valid and proper to order prior notice to the respondents before passing any order. It is well settled that ordering of prior notice before passing any orders, which have consequences on the opposite party would be in the interest of fair-play, good administration and the rule of law as envisaged by our Constitution. In that view of the matter, prior notice ordered by the Tribunal before passing any orders in the OA does not call for any interference. We do not see any illegality or irregularity in ordering prior notice to the respondents.

The Writ Petition is dismissed. However, this order will not come in the way of the petitioner to get the OA disposed of in accordance with law.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

DATED 18th JANUARY, 2016.
Msnr_x