

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 4650 OF 2016

Date: 18.02.2016

Between:

Dr. Jamalpur Sravan Kumar,
Secunderabad.

..... Petitioner

And:

State of Telangana,
Rep. by its Principal Secretary,
Health, Medical and Family Welfare,
Telangana Secretariat Buildings,
Hyderabad, and others.

.....Respondents

Counsel for the Petitioner: Sri K. V. Simhadri

Counsel for Respondent Nos.1 to 5: G.P for Services

The Court made the following:

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ORDER (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Order dated 29.01.2016 in O.A.No.239 of 2016 of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') whereby it has dismissed the O.A qua respondent Nos.4 to 6 is questioned in this writ petition.

The petitioner, a Civil Assistant Surgeon, has filed O.A.No.239 of 2016 with the following main relief:

“To declare the Proceedings Rc.No.2194/M2/2015 Dt. 25.08.2015 of the 4th respondent, in posting the 6th respondent/Ophthalmologist at Area Hospital Kondapur, Ranga Reddy District, contrary to G.O.Ms.No.145 HM & FW (A1) Dept., Dt. 16.07.2009 and non consideration of the subsequent representations of the Applicant as illegal, arbitrary, violative of principles of natural justice and unsustainable in law.”

As noted above, the Tribunal while issuing notice before admission has dismissed the O.A against respondent Nos.4 to 6.

As rightly submitted by Sri K.V. Simhadri, learned counsel for the petitioner, the main contesting respondents in the O.A are respondent Nos.4 and 6, for respondent No.4 has passed the order impugned in the O.A in favour of respondent No.6. If the O.A is dismissed against both these respondents, there would be no possibility of the petitioner getting the relief, as no relief could be granted without hearing the author of the order impugned in the O.A and the beneficiary thereof. Therefore, the Tribunal has committed a patent error in dismissing the O.A against the said two respondents.

Accordingly, the order of the Tribunal is set aside. The O.A against respondent Nos.4 and 6 is restored to file.

The Writ Petition is accordingly allowed.

As a sequel to allowing the writ petition, W.P.M.P.No.5949 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 18.02.2016
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