

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO*

WRIT PETITION No.30522 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The applicant in O.A.No.2378 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, is before this Court aggrieved by the order dated 27.06.2016 passed by it dismissing the O.A.

Perusal of the order passed in the O.A. reflects that it was contended before the Tribunal that the order passed by a Division Bench of this Court in W.P.No.38060 of 2013 was contrary to the order of the Supreme Court in E.V.Chinnaiah v. State of Andhra Pradesh¹. The Tribunal observed that it was not for it to consider and decide the correctness and legality of the said order passed by this Court and accordingly dismissed the O.A.

Sri Kambhampati Ramesh Babu, learned counsel for the petitioner/applicant, would submit that this was not the contention urged before the Tribunal and that no such ground was raised in the O.A. He would further submit that the observation made by the Tribunal that till today no adverse action was taken against the petitioner/applicant is also factually incorrect.

If the Tribunal proceeded on any misconception on the factual position as to what was the point raised before it by the petitioner/applicant, it is for him to seek review of such order.

Reserving liberty to the petitioner to do so, the writ petition is dismissed. As it is stated that the Tribunal itself proceeded on a misconception on factual aspects, the review application, if any, filed by

¹ (2005) 1 SCC 394

the petitioner/ applicant shall be considered on its own merits and in accordance with law without reference to the limitation aspect.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:09.09.2016

GJ

