

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

WRIT PETITION No.24175 of 2016

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

The petitioner is the applicant in O.A.No.4427 of 2015 before the Andhra Pradesh Administrative Tribunal, Hyderabad. By way of the said O.A., he sought a direction to the respondent authorities to act upon the repatriation order dated 10.01.2013 and the consequential proceedings dated 04.05.2013, whereby he was repatriated from Ranga Reddy District to Chittoor District. Admittedly, the petitioner/applicant earlier approached the Administrative Tribunal aggrieved by the afore-stated repatriation and secured interim orders in O.A.No.3437 of 2013 from the Tribunal. Thereby, he continued at Ranga Reddy District. However, having withdrawn O.A.No.3437 of 2013, as evidenced by the order of dismissal dated 17.06.2015 passed by the Tribunal, the petitioner/applicant filed O.A.No.4427 of 2015 seeking a direction from the Tribunal to the respondent authorities to act upon the said repatriation proceedings and send him back to Chittoor District.

By order dated 13.08.2015, the Tribunal admitted the O.A. and refused interim relief to the petitioner/applicant. Further, it directed the O.A. to be posted along with O.A.No.3437 of 2013. Aggrieved by the refusal of interim relief, the petitioner/applicant is before this Court.

Perusal of the order under challenge reflects that the Tribunal lost sight of the fact that O.A.No.3437 of 2013 is not even pending on its file. Reference was made in the first paragraph of the order to the dismissal of the said O.A. by order dated 17.06.2015. However, the Tribunal thereafter directed listing of O.A.No.4427 of 2015 with the said O.A.

That apart, the Tribunal also lost sight of the fact that once the challenge to the repatriation proceedings and the earlier interim order

passed by the Tribunal in relation thereto ceased to exist, the repatriation proceedings revived and there was no hindrance to the respondent authorities in giving effect to the same. That was the prayer of the petitioner/applicant. Unless the respondents took the stand that they no longer wish to act upon the repatriation proceedings, there was no question of denial of relief to the petitioner/applicant in connection therewith.

The respondent authorities are therefore directed to act upon the repatriation proceedings dated 10.01.2013 and 04.05.2013, if the same still remain operative. It may also be noted that the repatriation of the petitioner/applicant dates back to the year 2013 and is wholly unconnected with the creation of the new States of Telangana and Andhra Pradesh under the State Reorganisation Act, 2014. It would therefore not be necessary to secure the consent of the State of Andhra Pradesh at this stage for giving effect to the afore-stated repatriation. Issues relating to allocation of the petitioner/applicant consequent to the bifurcation of the erstwhile State of Andhra Pradesh are left open.

The writ petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Date:29.07.2016

Note:

Furnish C.C. by 03.08.2016.

(B/o)

GJ