

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

WRIT PETITION No.31000 of 2016

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

The petitioner is the unsuccessful applicant in O.A.No.3065 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By order dated 08.08.2016, the Tribunal dismissed the said O.A.

The grievance of the petitioner/applicant was that the respondent authorities were not considering his claim for reinstatement in service by reviewing the order of suspension dated 29.07.2015. The Tribunal was of the opinion that as the petitioner/applicant had filed an appeal/representation before the Government on 06.02.2016 and the said appeal/representation was still pending consideration, it was not open to the petitioner/applicant to maintain the O.A. simultaneously before it seeking the same relief.

It is no doubt true that it is ~~not~~ open to a litigant to pursue two remedies on the same cause of action parallelly. However, it is also not open to the statutory authority, which is seized of the appeal, to keep the matter pending indefinitely. The appeal/representation was filed by the petitioner/applicant as long back as on 06.02.2016. Thereupon, it is stated that the Government issued Memo dated 04.03.2016 requesting the Commissioner of Printing, Stationary & Stores Purchase, Hyderabad, to examine the same and submit a report to the Government.

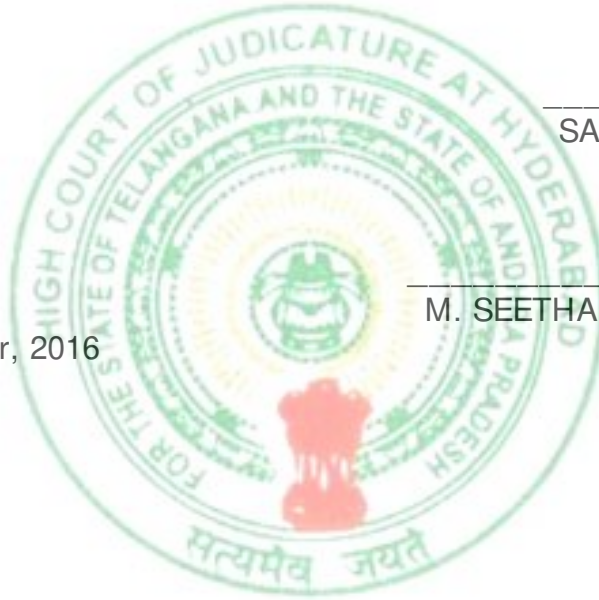
Learned Government Pleader states, on instructions, that the Commissioner has submitted the report as required and that the Government is yet to receive the same.

Be that as it may.

In the light of the aforesaid facts, we are of the opinion that the interest of justice would be sufficiently served by directing the appellate authority, the first respondent, to consider and dispose of the appeal/representation dated 06.02.2016 filed by the petitioner/applicant on merits and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

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

23rd September, 2016
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SANJAY KUMAR, J

M. SEETHARAMA MURTI, J