

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

-
WRIT PETITION No.25359 of 2016
-

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

Unsuccessful before the Andhra Pradesh Administrative Tribunal, Hyderabad, the applicant in O.A.No.2223 of 2016 is before this Court. By order dated 17.06.2016, the Tribunal dismissed the O.A. filed by the petitioner/applicant leaving it open to him to approach the Government by way of an appeal against the final seniority list with which he was aggrieved.

Sri D. Balakishan Rao, learned counsel for the petitioner/applicant, would contend that there can be no hard and fast rule that in each and every case where an alternative remedy is provided for, the Court should not make an adjudication if the person aggrieved approaches it directly. There is no dispute with this proposition. The doctrine of availability of an alternative remedy is a self-imposed restraint whereby the Court, considering the individual facts of the case before it, opines that the aggrieved party would be better advised to avail the alternative remedy which is found to be equally, if not more, efficacious.

In the present case, the grievance of the petitioner/applicant is with regard to a final seniority list issued under proceedings dated 31.03.2016. Any dispute with regard to seniority would require examination of facts apart from issues of law. Such a challenge would therefore be better addressed before a statutory appellate authority which would be at liberty to look into all aspects of the matter. The Tribunal rightly opined so and relegated the petitioner/applicant to the remedy of appeal provided to him. We find no reason to interfere with the order passed by the Tribunal owing to this fact.

The writ petition is therefore dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

29th July, 2016
IBL