

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

The applicants in O.A.No.4766 of 2015 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') filed this writ petition feeling aggrieved by order dated 24.08.2015 passed in the said O.A, wherein the Tribunal has declined to entertain the O.A on the ground of availability of the alternative remedy of appeal to the petitioners under Rule 26 of the Andhra Pradesh State and Subordinate Service Rules, 1996 (for short 'the Rules') against the action impugned in the O.A, namely, preparation of seniority list.

At the hearing, Sri D. Balakishan Rao, learned counsel for the petitioners, submitted that immediately after the disposal of the O.A, his clients have filed two appeals on 28.08.2015 and 05.10.2015 before respondent No.2 and that the same are pending. He has however tried to convince us to intervene in the matter on merits by stating that by interfering with the final seniority list, respondent No.1 has violated the Quota/Rota rule. Ordinarily, when an alternative remedy of appeal under Rule 26 of the Rules is available to the petitioners, the Tribunal shall not admit an application under Section 20(1) of the Administrative Tribunals Act, 1985 and in view of the fact that the petitioners have already filed appeals following the impugned order passed by the Tribunal, we are not inclined to go into the merits of the case.

Learned counsel for the petitioners submitted that unless a direction is issued to respondent No.2 for expeditious disposal of the appeals, his clients will suffer irreparable injury.

Learned Government Pleader for Services (TS) submitted that it may be possible for respondent No.2 to dispose of the appeals within six weeks.

In the above facts and circumstances of the case, while declining to entertain this Writ Petition for the aforestated reasons, respondent No.2 is, however, directed to dispose of the appeals stated to have been filed by the petitioners within two months from the date of receipt of this order.

Learned counsel for the petitioners submitted that interests of his clients may be protected pending disposal of the appeals. In our opinion, it is not appropriate for us to pass any order touching the merits of the case, when the petitioners' appeals are stated to be pending before respondent No.2. However, if the situation does not brook the delay in disposal of the appeals, the petitioners are permitted to file interlocutory applications in the pending appeals before respondent No.2 for appropriate interim order. If such applications are filed, respondent No.2 shall pass appropriate orders within one week thereafter.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.6103 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

ANIS, J

Date: 03.03.2016

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