

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

WRIT PETITION No.31443 of 2016

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

The unsuccessful applicant in O.A.No.3087 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, is before this Court aggrieved by the order dated 16.08.2016 passed by the Tribunal dismissing the said O.A.

The grievance of the petitioner/applicant was with regard to preparation of the final seniority list of Managers (Engineering) wherein promotees were shown above him.

Admittedly, pursuant to an earlier order passed by the Tribunal in O.A.No.6300 of 2015, the petitioner/applicant filed an appeal before the statutory authority and the said appeal is still pending consideration. However, as the appeal was not disposed of within six months and the statutory bar under Section 20 of the Administrative Tribunals Act, 1985 (for short, 'the Act of 1985'), had no application thereafter, the petitioner/applicant again approached the Tribunal. Notwithstanding the fact that the statutory bar under Section 20 of the Act of 1985 ceases to have application after the expiry of six months, the Tribunal was of the opinion that as there was no limitation prescribed for disposal of the appeal, it was not open to the petitioner/applicant to simultaneously maintain the O.A. for the same relief.

There can be no dispute with the proposition that it would not be open to a litigant to parallelly pursue two remedies on the same cause of action. However, once the appellate authority was seized of the statutory

appeal preferred by the petitioner/applicant, it is not open to it to keep the same pending indefinitely. The hierarchy of remedies provided under the statute would require expeditious disposal so as to redress the grievance of the affected person. Keeping such statutory remedies on hold for long periods of time would render the very purpose of providing an alternative remedy under the statute superfluous and redundant. It is not in dispute that the appeal filed by the petitioner/applicant has been pending for over six months.

We are therefore of the opinion that the interest of justice would be sufficiently served by directing the appellate authority, the second respondent herein, to dispose of the petitioner/applicant's appeal on merits and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of this order. All issues are left open to be decided by the appellate authority on facts and in accordance with law.

The writ petition is accordingly disposed of. 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

17th September, 2016
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