

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

-
WRIT PETITION No.25325 of 2016
-

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

The applicants in O.A.SR.No.4626 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, are before this Court aggrieved by the order dated 04.07.2016 passed by the Tribunal in M.A.No.930 of 2016 filed in the said O.A. seeking leave to permit them to join together to file a single O.A.

The Tribunal dismissed the M.A. with the following order:

“Qualification, eligibility, total service and promotion of each of the applicants are different. Therefore, all of them cannot file single Original Application.

Hence, the Miscellaneous Application is dismissed. The applicants' counsel is at liberty to confine this O.A.S.R., to one of the applicants and is permitted to make necessary corrections in the OASR.”

Sri G.V. Shivaji, learned counsel for the petitioners/applicants, would point out that challenge in the O.A., which was sought to be filed by the petitioners/applicants jointly, was to the validity of a particular statutory rule and the understanding of the Tribunal that the petitioners/applicants had come together to file a single O.A. in relation to their individual causes of action is therefore without basis.

We find merit in this contention as the qualification, eligibility, total service and promotions of the six petitioners/applicants would have no relevance while considering their joint challenge to the validity of a statutory rule. The Tribunal therefore ought not to have denied them permission to file a single O.A. on this ground.

The order under challenge is accordingly set aside. The Tribunal shall permit the petitioners/applicants to file a single O.A. and consider the same on merits and in accordance with law.

The writ petition is allowed. 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

29th July, 2016

Note:-

Issue CC by 01.08.2016.

B/o

IBL