

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 9394 of 2017

ORDER: (*per Hon'ble Sri Justice Sanjay Kumar*)

The State of Andhra Pradesh and its Divisional Forest Officer, Wildlife Division, Nandyal, Kurnool District, filed this writ petition aggrieved by the order dated 29.12.2016 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1365 of 2016.

Perusal of the order under challenge reflects that at the time of admission of the O.A., the Tribunal granted an interim order suspending the impugned proceedings dated 30.03.2016 and 31.03.2016 visited upon the first respondent herein, the applicant in the O.A., imposing upon her the punishment of reduction to the post of Assistant Beat Officer and posting her as such. In consequence thereof, the Divisional Forest Officer, Wildlife Division, Nandyal, issued order dated 25.04.2016 implementing the aforesaid interim order and posted the first respondent as a Forest Beat Officer at Bachepalli Beat of Rudravaram Range in the existing vacancy pending disposal of the O.A. However, when V.M.A.No.410 of 2016 filed by the first respondent herein was taken up by the Tribunal, the aforesaid order dated 25.04.2016 was taken note of and the Tribunal baldly observed that no further orders are necessary in the O.A and accordingly closed it.

Heard the learned Government Pleader for Services (Andhra Pradesh) for the petitioners and Sri G. Venkata Krishnaiah, learned counsel on caveat for the first respondent.

Though Sri G. Venkata Krishnaiah, learned counsel, would contend that the Tribunal time and again requested the Government Pleader

appearing for the authorities to argue the vacate petition, he did not choose to do so and merely adverted to the fact that the interim order had already been implemented. We find no such observations in the order under challenge.

On the other hand, the order reads to the effect that merely because the interim order stood complied with, no further orders were necessary in the O.A. This understanding of the Tribunal is opposed to the very language utilised in the order dated 25.04.2016 whereby the interim order was implemented. The said order dated 25.04.2016 made it clear that the posting of the first respondent as a Forest Beat Officer was pending disposal of the O.A. It is thus clear that the implementation of the interim order was without prejudice. The Tribunal therefore ought to have adjudicated the matter on merits instead of closing it on the short ground that the interim order had been implemented. The order dated 29.12.2016 passed by the Tribunal in O.A.No.1365 of 2016 along with V.M.A.No.410 of 2016 is accordingly set aside and the matter is remitted to the Tribunal for consideration afresh on merits and in accordance with law.

The Writ Petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

Date: 16.03.2017
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