

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

WRIT PETITION No.31849 of 2016

ORDER: (per SK, J)

The petitioner is the applicant in O.A.No.7073 of 2011 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was dismissed for default on 26.11.2013. Thereupon, the petitioner filed M.A.No.2421 of 2015 in the O.A. seeking condonation of the delay of 1 year 9 months and 11 days in filing a restoration petition. By order dated 18.12.2015, the Tribunal condoned the delay subject to the condition that the petitioner deposits costs of Rs.1,000/- to the credit of the District Legal Services Authority, Chittoor. It is not in dispute that the petitioner complied with this conditional order. Thereafter, M.A.No.2865 of 2015 in O.A.No.7073 of 2011 filed by the petitioner for restoration of the O.A, was dismissed by the Tribunal by order dated 22.08.2016. Aggrieved thereby, the petitioner is before this Court.

Heard Sri Ch. Srinivas, learned counsel for the petitioner, and the learned Government Pleader for Services (Andhra Pradesh) for the authorities.

Perusal of the order under challenge reflects that the Tribunal was conscious of the fact that the delay in seeking restoration of the O.A. was condoned on certain terms which had been duly complied with. As the very same grounds were urged for seeking restoration of the O.A., it is inexplicable as to why the Tribunal did not find them worthy. Different parameters cannot be applied to the same grounds, one at the time of condoning the delay and the other at the time of restoration.

We therefore set aside the order dated 22.08.2016 passed by the Tribunal in M.A.No.2865 of 2015 in O.A.No.7073 of 2011. The said M.A. is ordered and O.A.No.7073 of 2011 shall stand restored to the file of the Tribunal. The Tribunal shall proceed with the adjudication of the said O.A. on merits and in accordance with law.

The writ petition is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

15th MARCH, 2017.

SANJAY KUMAR, J

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N. BALAYOGI, J