

**HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SMT. JUSTICE ANIS**

WRIT PETITION No. 5382 OF 2017

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

This writ petition arises out of the order dated 06.02.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in M.A.No.83 of 2017 in OASR No.504 of 2017.

2. OASR No.504 of 2017 was filed by the petitioners herein with a threefold prayer. The first limb of the prayer was with regard to the action of the authorities in reckoning the seniority of converted Sub-Inspectors from the date of their initial appointment to the posts from which they were converted as Civil Sub-Inspectors. The second limb of the prayer was with regard to the action of the authorities in not fixing lesser qualifying service for promotee Sub-Inspectors, when compared to converted Sub-Inspectors and directly recruited Sub-Inspectors, for further promotion to the post of Inspector of Police. The third and last limb of the prayer was to declare that converted Sub-Inspectors were not entitled for protection of their past service and also to direct the authorities to fix lesser qualifying service for promotee Sub-Inspectors to get eligibility for promotion to the next higher rank than both converted and directly recruited Sub-Inspectors.

3. Therein, the petitioners filed M.A.No.83 of 2017 seeking leave of the Tribunal to file a common O.A. though they would be paying individual court fee. By order dated 06.02.2017, the Tribunal dismissed the said M.A. This order reads as under:

“Subject matter of the proposed Original Application is seniority which is not yet finalized and also the proposed promotions. Both the subjects are individual in nature. There cannot be common cause of action. Therefore, Miscellaneous Application is dismissed.

2. The applicants’ counsel is at liberty to confine this Original Application to one of the applicants and make necessary corrections in the OASR accordingly.”

4. As the writ petition is disposed of without going into the merits of the matter and consideration by this Court is restricted only to the interpretation of the Rule, there is no necessity to put the unofficial respondents on notice or invite a counter from the State.

5. The first paragraph of the aforestated order seems to deal with clubbing of plural remedies in terms of Rule 10 of the Andhra Pradesh Administrative Tribunal (Procedure) Rules, 1989 (for short ‘the Rules of 1989’). The Tribunal seems to have opined that as the reliefs sought in relation to seniority and promotion were not consequential to each other, they could not be clubbed together in terms of Rule 10 of the Rules of 1989. Having stated so, surprisingly, in the second

para, it is stated that it would be open to the counsel for the applicants in the O.A. to confine the O.A. to one of the applicants and make necessary corrections.

6. On the face of it, there is a contradiction between the first and second paragraphs. If the Tribunal found that the prayer in the O.A. was multifarious and the plural remedies sought were not consequential to each other, as demonstrated by the first paragraph, the question of allowing even a single applicant to seek such multiple and non-consequential remedies would not arise, but the said liberty was granted in the second paragraph. We are therefore at a loss to understand the reasoning of the Tribunal. The order is accordingly set aside and the matter is remitted to the Tribunal for consideration afresh in accordance with law.

7. The Writ Petition is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

SANJAY KUMAR, J

ANIS, J

Date: 21.02.2017
anr

**HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SMT JUSTICE ANIS**



WRIT PETITION No. 5382 OF 2017

21st day of February, 2017

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