

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

WRIT PETITION No.5231 of 2017

ORDER: (Per Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.739 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was filed in February, 2016, assailing the proceedings dated 10.02.2016 passed by the Chief Commissioner of Land Administration, Telangana, canceling the promotion of the petitioner to the cadre of Deputy Tahsildar. However, owing to the abolition of the Tribunal in so far as the State of Telangana is concerned during September, 2016, the petitioner is unable to prosecute the O.A. before the Tribunal. He therefore filed this writ petition laying a challenge to the proceedings dated 29.04.2015 issued by the Chief Commissioner of Land Administration, Telangana, and consequential proceedings.

However, as the Tribunal had no occasion to apply its mind and adjudicate the issue sought to be raised by the petitioner in O.A.No.739 of 2016, we are of the opinion that this writ petition need not be heard by this Bench. We are informed that in terms of the order dated 30.09.2016 passed by the Division Bench of this Court, comprising the Hon'ble The Acting Chief Justice and the Hon'ble Sri Justice U. Durga Prasad Rao, in W.P.No.31905 of 2016, any public servant working under the Government of Telangana, who is aggrieved by the action of the Government relating to his service conditions, can invoke the jurisdiction of this Court under Article 226 of the Constitution and such a writ petition would be listed before and be heard by a learned Single Judge of this Court.

The petitioner however cannot do so presently owing to the pendency of O.A.No.739 of 2016 before the Tribunal. In this peculiar situation, we are of the opinion that the interests of justice would be adequately served by permitting the petitioner to withdraw his O.A. so as to maintain a writ petition independently before this Court.

Sri A. Prabhakar Rao, learned counsel for the petitioner, states that his client wishes to withdraw the O.A. so as to avail this liberty.

O.A.No.739 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, is accordingly dismissed as withdrawn. The petitioner is at liberty to seek redressal of the grievance canvassed by him in the said O.A. before the appropriate forum in accordance with law. The Registry is directed to communicate a copy of this order to the Andhra Pradesh Administrative Tribunal, Hyderabad, which is still seized of the record pertaining to O.A.No.739 of 2016, for its information.

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

ANIS, J

15th February, 2017.

Note:-

Issue CC in one week.

(B/o)

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