

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

WRIT PETITION No.10788 of 2017

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

The petitioners are the applicants in O.A.SR.No.8506 of 2016 filed before the Andhra Pradesh Administrative Tribunal, Hyderabad. They filed M.A.No.1664 of 2016 therein seeking permission to file the said O.A. jointly as their cause of action and relief were one and the same.

By order dated 03.11.2016, the Tribunal rejected the M.A. being of the opinion that the relief sought by the petitioners in the O.A. could not be granted in terms of G.O.Ms.No.98 dated 15.04.1986. According to the Tribunal, this would mean that the petitioners had no common cause of action or common interest.

Perusal of the prayer of the petitioners in the O.A. reflects that they sought a declaration to the effect that the action of the authorities in not taking further steps pursuant to G.O.Ms.No.324 dated 01.12.1988 to appoint land oustees to the posts of Technical Assistants, Junior Technical Officers, Assistant Technical Officers, Assistant Engineers (AEs) and Assistant Executive Engineers (AEEs) as per their eligibility and seeking to fill up 520 posts of Assistant Executive Engineers through APPSC while keeping pending their representations dated 09.01.2012, 02.08.2014, 29.01.2015, 14.02.2016 and 20.08.2016 was arbitrary and illegal. They sought a consequential direction to the authorities to appoint them in the vacancies of the posts mentioned supra up to 50% thereof under the displaced persons quota by amending G.O.Ms.No.98 dated 15.04.1986.

Rule 4(5) of the Andhra Pradesh Administrative Tribunal (Procedure) Rules, 1989, authorises the Tribunal to permit more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter.

In the present case, admittedly, the petitioners were all seeking appointment to various posts under the land oustee category purportedly in pursuance of G.O.Ms.No.324 dated 01.12.1988. Their specific prayer

was that G.O.Ms.No.98 dated 15.04.1986 should be amended in this regard to grant them relief.

This being the situation, when the M.A. filed was only for permission to file a single O.A., the Tribunal ought not to have entered into the merits of the matter and non-suited the petitioners on the ground that no relief could be granted to them under G.O.Ms.No.98 dated 15.04.1986. As the relief prayed for by the petitioners was not under G.O.Ms.No.98 dated 15.04.1986 and they asked for a direction that it should be amended, the inference drawn by the Tribunal that no relief could be granted to them under the said G.O. is unsustainable.

Learned Government Pleader fairly concedes that in the light of the facts and circumstances of the case, the petitioners were entitled to file a single O.A. under Rule 4(5) of the aforestated Rules.

That being so, the Tribunal ought to have permitted the petitioners to file a single O.A. by allowing M.A.No.1664 of 2016.

The order under challenge passed in the said M.A. is accordingly set aside and the M.A. is allowed permitting the petitioners to maintain a single O.A. before the Tribunal subject to payment of individual court fee. The Tribunal shall entertain the O.A. and adjudicate the same 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

27th March, 2017

Note:-

Issue CC in two days.

B/o

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