

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.29360 2017

Date:31.8.2017

Between:

K.Sreenivasulu,
S/o K.Venkataramanappa

..... Petitioner

And:

The State of A.P., repto by its
Principal Secretary, Home Department,
Hyderabad and three others.

.....Respondents

Counsel for the petitioner: Mr. V.Ravi Chandran

Counsel for the respondents: GP for Services (AP)

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by order, dated 13.4.2017, in Original Application No.1025 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, (for short 'the Tribunal'), the applicant therein filed this Writ Petition.

In short, the grievance of the petitioner is that having been promoted in the year 2008 as Armed Reserve Head Constable, he is sought to be reverted nine years thereafter, only on the ground that after his transfer to the Armed Reserve Police Department, he did not undergo pre-promotional training. The Tribunal has rejected the said O.A. on the ground that no cause of action arose for him to approach it as, no decision adverse to his interests was taken by the respondents so far; that concededly, respondent No.1 had jurisdiction to issue show cause notice; and that, therefore, the same cannot be interdicted.

After a careful consideration of the reasoning of the Tribunal in the impugned order, we do not find any error therein. It is not the case of the petitioner that respondent No.1 inherently lacks jurisdiction to issue show cause notice or that, it acted *mala fide* in issuing the said show cause notice.

Mr. V.Ravichandran, the learned counsel for the petitioner, submitted that respondent No.1 had already come to a conclusion that the petitioner's promotion is illegal, as

reflected in the show cause notice, and that, therefore, no purpose would be served by submitting the explanation by the petitioner.

In our opinion, the view expressed in the show cause notice must be deemed to be a tentative view and the petitioner can try to convince respondent No.1 to change its view by filing his explanation. Indeed, this is the precise reason why show cause notice is envisaged. We do not, therefore, find any reason to think that respondent No.1 may not change its view on considering the explanation of the petitioner, merely because it had already taken a particular view in the show cause notice. Hence, we do not find any reason to interfere with the impugned order of the Tribunal.

Learned counsel for the petitioner submitted that as his client has approached the Tribunal by filing the said O.A., he could not file the explanation within the stipulated time. He, therefore, requested for granting reasonable time for submitting the explanation. Learned Government Pleader for Services (Andhra Pradesh) did not oppose this request.

Accordingly, the petitioner is permitted to submit his explanation to the said show cause notice within one month from today. On receipt of such explanation, respondent No.1 shall objectively consider the same, pass a speaking order and

communicate the said order to the petitioner. Needless to observe that if the petitioner feels aggrieved by the order that may be passed by respondent No.1, he shall be free to avail appropriate legal remedy.

Subject to the above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.36539 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

31st August 2017

DR

