

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.15640 OF 2017

ORDER:

Heard Mr.SSatyam Reddy, learned senior counsel, for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners challenge order dated 10.04.2017 in D. Dis. No.(E5) 1252/2016 of 2nd respondent. The 2nd respondent exercised the power of *suo motu* revision under Board Standing Order (BSO) 15 (18) (1) against the assignment made in favour of petitioners.

The petitioners challenge the order dated 10.04.2017 on various factual and legal grounds. On 27.04.2017, this Court has granted interim suspension of the order of 2nd respondent dated 10.04.2017.

The respondents are yet to file the reply, but on instructions, the Assistant Government Pleader contends that the petitioners have effective remedy before the Commissioner of Appeals/CCLA against the order of 2nd respondent under BSO 15 (18) (1). Since there is effective alternative remedy, the petitioners have to exhaust the remedy before availing the writ remedy under Article 226 of the Constitution of India.

I have perused the order impugned in the writ petition and also taken note of the objections on the maintainability raised by the Assistant Government Pleader.

The merits of the matter require consideration of record from the office of respondent No.3, and the remedy available before the Commissioner of Appeals/CCLA, at the stage of the matter, is efficacious. Hence with the consent of the counsel, the writ petition is disposed of by this order:

a) the interim order granted on 27.04.2017 is directed to be maintained for a period of 10 weeks from today.

b) the petitioners are given liberty to file appeal/further revision, as the case may be, before the Commissioner of Appeals/CCLA within two weeks from the date of receipt of a copy of this order.

c) The Commissioner of Appeals/CCLA considers passing orders as are deemed fit and proper on the stay petition moved by the petitioners herein well before the expiry of time granted by this Court.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:07.07.2017
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