

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

WRIT PETITION No.10295 of 2017

ORDER: (Per Justice Sanjay Kumar)

Sri M. Kesava Rao, learned counsel for the petitioners, and the learned Government Pleader for Services (Andhra Pradesh) are in agreement that this matter is squarely covered by the order dated 20.02.2017 passed by this Court in W.P.No.5770 of 2017. A copy of the said order is placed before us.

For reasons alike as were mentioned in the said order and in terms thereof, the writ petition is dismissed granting liberty to the petitioners to lay a challenge to G.O.Ms.No.9 dated 29.01.2015 before the Andhra Pradesh Administrative Tribunal, Hyderabad, as the validity thereof was never under consideration before the Tribunal and the same cannot be examined in the first instance by this Court in the light of the law laid down by the Supreme Court in L. Chandra Kumar v. Union of India¹. The Tribunal shall entertain the challenge, if any, made by the petitioners to the aforesaid G.O. without reference to the limitation aspect as they were not even made parties to the O.A. and the G.O. was the result of an interim order passed therein behind their back. Needless to state, the Tribunal shall adjudicate the matter on the merits of such challenge, if laid, without being influenced by its earlier order.

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

SANJAY KUMAR, J

N. BALAYOGI, J

20th March, 2017.
IBL

¹ (1997) 3 SCC 261