

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE N. BALAYOGI**

WRIT PETITION No.38555 of 2015

ORDER: (per SK, J)

The petitioner filed M.A.No.1248 of 2015 in O.A.No.2411 of 2015 filed by the fourth respondent before the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking to be impleaded as the fourth respondent in the O.A. By order dated 16.06.2015, the Tribunal dismissed the said application. Aggrieved thereby, the petitioner is before this Court.

Heard Sri J.M. Naidu, learned counsel for the petitioner, Sri V. Narasimha Goud, learned counsel for the fourth respondent and the learned Government Pleader for Services (Andhra Pradesh) for the authorities.

Perusal of the order under challenge reflects that the Tribunal was of the opinion that the petitioner, who was represented by his wife, E. Swarupa Rani, who held his General Power of Attorney, could not maintain the implead petition based on the pleadings deposed to by his GPA holder. Reference in this regard was made to Rules 2(b) and 4 of the Andhra Pradesh Administrative Tribunal (Procedure) Rules, 1989. Having considered the import of these rules, the Tribunal opined that a

duly authorized agent could only present an application, which may also include a miscellaneous application, but could not plead to the application. The Tribunal held that the pleading must necessarily be made by the party concerned and not by the agent. Having considered the aforesaid rules and Form-I appended to the said Rules, we are in agreement with the Tribunal that this is the correct legal position. We therefore find no reason to interfere with the order under challenge.

The Writ Petition is accordingly dismissed.

However, we notice that having non-suited the petitioner on this technical ground, the Tribunal went into the merits of his implead application and opined that he was not a necessary party to the O.A. There was however no adjudication as to whether he could be held to be a proper party.

In any event, once the miscellaneous application was sought to be dismissed on technical grounds, the Tribunal ought not to have gone into the merits of the application.

Sri J.M. Naidu, learned counsel, would seek leave to enable his client to file a separate application for impleadment without the intervention of his GPA holder. As the Tribunal has not gone into the issue as to whether he could be categorized as a proper party to the O.A, we grant liberty to the petitioner to take recourse to appropriate remedies available to him in law.

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

13th MARCH, 2017.

SANJAY KUMAR, J

N. BALAYOGI, J

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