

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

WRIT PETITION No.25530 of 2017

Date:01.8.2017

**Between:**

A.Kalyani,  
W/o P.R.K.Balaji  
and three others.

..... Petitioners

**And:**

State of A.P., repled by its Principal  
Secretary, Revenue Department,  
Velagapudi and four others.

.....Respondents

Counsel for the petitioners: Mr. K.V.Sudhakar Reddy

Counsel for respondent No.1: GP for Revenue (AP)

Counsel for respondent No.2: GP for Commercial Taxes (AP)

The Court made the following:

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

The order, dated 14.6.2017, in Original Application No.1500 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') is under challenge in this Writ Petition.

The petitioners, who are working as Deputy Commercial Tax Officers in Visakhapatnam, filed the afore-mentioned O.A. questioning the proceedings in CCT's Ref.No.DXZ(3)/397/2015-2, dated 10.4.2017, of respondent No.2, whereby he has finalised the integrated seniority list of Deputy Commercial Tax Officers for the panel year 2004-05. The Tribunal has dismissed the said O.A. on the ground that under Rule-26 of the Andhra Pradesh State and Sub-ordinate Service Rules, 1996, the petitioners have a remedy of filing an appeal before the appellate authority against the order impugned before it.

The only ground on which the petitioners have bypassed the said remedy was that on the previous occasion also, a similar order passed by respondent No.2 was questioned in appeal before the Government and that, without due regard to the order of the appellate authority, respondent No.2 has passed the order, dated 10.4.2017, committing the same mistake as was committed by him earlier.

In our opinion, the said fact would not enable the petitioners to bypass the appellate remedy. Under Section-20 of the Andhra Pradesh Administrative Tribunals Act, 1985, there is an embargo on the Tribunals entertaining the applications unless the party exhausts the alternative remedy. In this view of the matter, we do not find any reason to interfere with the impugned order of the Tribunal.

At this stage, Mr. K.V.Sudhakar Reddy, the learned counsel for the petitioners, submitted that limitation for filing appeal expired as, his clients were pursuing the remedy of Original Application before the Tribunal and also the present Writ Petition. He, therefore, requested to allow the petitioners some reasonable time for filing an appeal. Accordingly, the petitioners are permitted to file an appeal before the competent authority on or before 21.8.2017. If an appeal is filed by the petitioners within the above stipulated time, the competent authority shall entertain the same without raising any objection on the aspect of limitation.

Subject to the above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.31663 of 2017 filed by the petitioners for interim relief is dismissed as infructuous.

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*JUSTICE C.V.NAGARJUNA REDDY*

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*JUSTICE G.SHYAM PRASAD*

*01<sup>st</sup> August 2017*

*DR*

