

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS**

WRIT PETITION NO.43460 OF 2016

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.6290 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By way of the said O.A., he sought a declaration that the action of the authorities in not sanctioning and releasing his pension and pensionary benefits was illegal. However, owing to the abolition of the Tribunal in so far as the State of Telangana is concerned during September, 2016, the petitioner is unable to prosecute his O.A. That being so, the petitioner filed the present writ petition seeking a declaration that the action of the respondents in not releasing his pension and pensionary benefits is illegal.

However, as there was no application of mind or adjudication by the Tribunal in relation to the petitioner's O.A., we are of the opinion that this matter cannot be heard by this Bench. In terms of the order dated 30.09.2016 passed by a Division Bench of this Court, comprising the Hon'ble The Acting Chief Justice and the Hon'ble Sri Justice U. Durga Prasad Rao, in W.P.No.31905 of 2016, any public servant working under the Government of Telangana, who is aggrieved by the action of the Government relating to his service conditions, can invoke the jurisdiction of this Court under Article 226 of the Constitution and such a writ petition shall be listed before and be heard by a learned Single Judge of this Court.

Presently, the petitioner is not able to take recourse to this remedy owing to the fact that he already filed O.A.No.6290 of 2015 before the Tribunal which is in a state of limbo.

Sri P.Lakshmana Rao, learned counsel for the petitioner, would therefore state that his client may be permitted to withdraw the aforestated O.A. so that he can approach this Court for appropriate relief in terms of the aforestated order passed by a Division Bench of this Court in W.P.No.31905 of 2016.

We find merit in this submission and accordingly permit the petitioner to withdraw his O.A. In consequence, O.A.No.6290 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, shall stand dismissed as withdrawn. The petitioner is granted liberty to seek redressal of the grievance canvassed by him in the said O.A. before the appropriate forum in accordance with law.

A copy of this order shall be communicated to the Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad, for the purpose of information inasmuch as it is still seized of the record pertaining to O.A.No.6290 of 2015.

The writ petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

ANIS, J

15th FEBRUARY, 2017

PGS