

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

WRIT PETITION No.7769 of 2017

ORDER: (Per Justice Sanjay Kumar)

This writ petition is filed by the applicant in O.A.No.904 of 2010 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking implementation of the order dated 02.09.2013 passed therein, whereby the authorities were directed to reinstate him in service within a time frame. Earlier, the petitioner filed W.P.No.38881 of 2015 before this Court seeking the same relief and the said writ petition was dismissed at the admission stage, vide order dated 07.12.2015, leaving it open to the petitioner to resort to appropriate legal remedies available under law.

Sri S.A.K.Mynoddin, learned counsel for the petitioner, would contend that in the light of the abolition of the Tribunal in so far as the State of Telangana is concerned during September, 2016, it is not open to the petitioner to approach the Tribunal by way of contempt proceedings. He would therefore assert that the present writ petition would lie.

We are unable to agree with this proposition. Even by the time the petitioner filed the earlier writ petition, he could no longer take recourse to contempt proceedings before the Tribunal due to the limitation prescribed in law. The doors of the Tribunal in so far as he was concerned were therefore shut by the date of filing of the earlier writ petition itself. The abolition of the Tribunal in so far as the State of Telangana is concerned had therefore no impact upon him. Having filed a writ petition earlier for the same relief and having suffered an adverse order, it is not open to the petitioner to once again file the present writ petition.

The writ petition is therefore dismissed. Dismissal of this writ petition shall however not preclude the authorities from considering the representation, if any, made by the petitioner pursuant to the order dated 02.09.2013 passed by the Tribunal in O.A.No.904 of 2010.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

7th March, 2017.
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