

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

&

HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 5521 of 2017

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

".....to issue a writ or order or direction more in the nature of certiorari to call for the original records relating to the impugned final orders dated 16.01.2017 of the A.P. Administrative Tribunal passed in O.A.No. 3097 of 2013 and also the orders in Memo No. 42/ C2/ 2013, dated 09.04.2013 of the 2nd respondent and quash the same, as illegal, arbitrary and untenable under law."

We note, the learned Tribunal, in its order dated 16.01.2017, observed that if the petitioner feels aggrieved by the Memo dated 09.04.2013 of the Commissioner issued in the appeals filed by the unofficial respondent Nos.4 to 6 before the Tribunal, the petitioner certainly has got right of appeal to the competent appellate authority under Rule 26(a) of the Andhra Pradesh State and Subordinate Service Rules, 1966. Accordingly, the Tribunal opined that the petitioner is at liberty to file an appeal before the competent appellate authority against the Memo dated 09.04.2013 of the Commissioner of Women Development and Child Welfare, Andhra Pradesh, Hyderabad subject to the period of limitation.

The learned counsel for the petitioner submits that before the Memo dated 09.04.2013 was issued by the Commissioner in the appeals filed by unofficial respondent Nos.4 to 6 before the Tribunal, the petitioner was not issued any notice nor was given any opportunity of personal hearing, thus, there is clear violation of principles of natural justice. The Tribunal also noted that if, at this stage, in terms of the orders passed by the Tribunal, the petitioner files an appeal, the same will be hit by delay and latches.

We find force in the contention of the learned counsel for the petitioner. Therefore, we grant liberty to the petitioner to file a statutory appeal before the competent appellate authority within a period of three weeks from today. On such appeal being filed by the petitioner, the appellate authority shall consider and decide the same on merit after affording an opportunity of hearing to the petitioner and other affected parties, within a period of eight weeks from the date of filing of the appeal. It is made clear that the appeal of the petitioner shall not be hit by any latches or delay.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

13.06.2017

SURESH KUMAR KAIT, J

bcj

DR. SHAMEEM AKTHER, J