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

WRIT PETITION Nos. 11582 and 11585 of 2017

COMMON ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioners in these two cases are the applicants in O.A.Nos.2408 and 2409 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. They are husband and wife. Their grievance before the Tribunal was with regard to their termination from service by the Assistant Director, Handlooms & Textiles Park, Malkapur, Nalgonda District. By common order dated 26.07.2016, the Tribunal dismissed both the O.As.

Perusal of the order under challenge reflects that the Tribunal was of the opinion that the petitioners had no locus to maintain the O.As as they were outsourced employees and had no relationship of employee and employer with the State or its instrumentalities. Having observed so, strangely, the Tribunal also examined the matter on merits and opined that the authorities had followed the principles of natural justice before terminating the petitioners from service.

Once the Tribunal found that it had no jurisdiction to entertain the O.As., this observation was not warranted. As the petitioners were non-suited, the Tribunal ought not to have gone into the merits of the matter. Such observations would adversely affect the petitioners, if they choose to approach the forum which has jurisdiction to look into their grievance.

We therefore confirm the dismissal of the O.As. by the Tribunal but declare that the observations made therein on the merits of the matter, including the observation that the authorities have followed the principles of natural justice before passing the impugned order, shall not have any

binding effect upon any forum which the petitioners may approach in accordance with law for redressal of their grievance. Such forum shall adjudicate the issues raised before it independently uninfluenced by any observations made by the Tribunal by considering the merits of the matter on facts and in law.

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

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SANJAY KUMAR, J

Date: 03.04.2017

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N. BALAYOGI, J

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