

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

WRIT PETITION NO.18725 OF 2009

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

The Government of Andhra Pradesh and officers of its Forest Department filed this writ petition aggrieved by the order dated 14.03.2007 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1119 of 2004. The said O.A. was filed by the respondent herein assailing the order dated 28.01.2004 passed by the Principal Chief Conservator of Forests, Andhra Pradesh, imposing upon him the punishment of dismissal from service. The Tribunal set aside the same on the short ground that subsistence allowance was not paid to the respondent during the pendency of the disciplinary proceedings while he was under suspension and that the same vitiated the process rendering the punishment illegal.

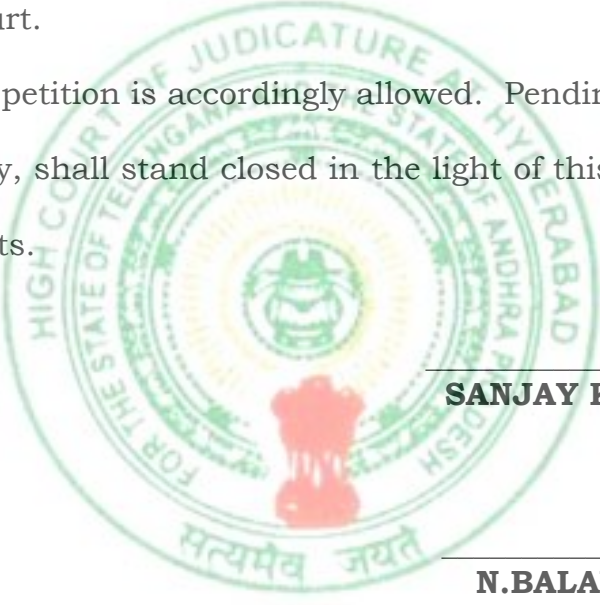
By order dated 08.09.2009, this Court granted interim suspension of the order passed by the Tribunal. W.V.M.P.No.151 of 2017 was filed by Sri K.Ramamohan, learned counsel for the respondent, to vacate the aforestated order.

Sri K.G.Krishna Murthy, learned senior counsel representing Sri K.Ramamohan, learned counsel for the respondent, fairly concedes that failure to pay subsistence allowance may not be enough, in itself, to vitiate the disciplinary proceedings. He would however contend that though the Tribunal ought not to have allowed the O.A. on the short ground that subsistence allowance was not paid, it also failed to look into the merits of the challenge laid by the

respondent against the impugned dismissal order, thereby causing him loss.

In the light of this concession, we are of the opinion that the Tribunal necessarily must be given an opportunity to look into the merits of the O.A. The order under challenge is accordingly set aside and the matter is remitted to the Andhra Pradesh Administrative Tribunal, Hyderabad, for consideration afresh of O.A.No.1119 of 2004. All issues raised in the O.A. are left open. The Tribunal shall endeavour to dispose of the O.A. expeditiously keeping in mind the long delay that ensued due to the pendency of this writ petition before this Court.

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



SANJAY KUMAR, J

N.BALAYOGI, J

6th FEBRUARY, 2017

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