

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION Nos.25483 & 25490 of 2017

Date:01.8.2017

WRIT PETITION No.25483 of 2017

Between:

A.Vijaya Lakshmi,

W/o A.Subba Reddy and another.

..... Petitioners

And:

State of A.P., repled by its Principal
Secretary, Higher Education Department,
Velagapudi and two others.

.....Respondents

WRIT PETITION No.25490 of 2017

Between:

D.Ratnamala,

W/o V.Anand

..... Petitioner

And:

State of A.P., repled by its Principal
Secretary, Higher Education Department,
Velagapudi and two others.

.....Respondents

Counsel for the petitioners: Mr. K.Ram Reddy

Counsel for the respondents: GP for Services-I (AP)

The Court made the following:

COMMON ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Both these Writ Petitions are filed feeling aggrieved by return of Original Application (SR)Nos.3599 and 3597 of 2017 filed by the petitioners, seeking regularisation of their services, by the Andhra Pradesh Administrative Tribunal at Hyderabad, in view of their not exhausting the remedy available under Section-20 of the Andhra Pradesh Administrative Tribunals Act, 1985 (for short 'the Act').

At the hearing, Mr. K.Ram Reddy, the learned counsel for the petitioners, has fairly conceded that before approaching the Tribunal, the petitioners have not made a representation before the competent authority seeking regularisation of their services.

Under Section-20 of the Act, the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievance.

The grievance raised before the Tribunal by the petitioners was the purported inaction of the respondents in regularising their services. Unless the petitioners approach the competent authority seeking regularisation of their services, no cause of action would arise for them to approach the Tribunal. Therefore, even *de hors* Section-20 of the Act, the petitioners are bound to first approach the competent authority to consider their claim

for regularisation and in the event of either rejection of their claim or inaction of the competent authority in considering their claim, they are entitled to avail the remedy before the Tribunal.

In this view of the matter, we do not find any illegality in the impugned order of the Tribunal in returning the Original Applications filed by the petitioners,

The Writ Petitions are, accordingly, dismissed, however, with liberty to the petitioners to approach the competent authority among the respondents seeking regularisation of their services and avail a fresh remedy before the Tribunal in the event they do not succeed in their endeavour before the respondents.

As a sequel to dismissal of the Writ Petitions, WPMP.Nos.31608 and 31615 of 2017 filed by the petitioners for interim relief are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

01st August 2017

DR