

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

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 34572 OF 2017

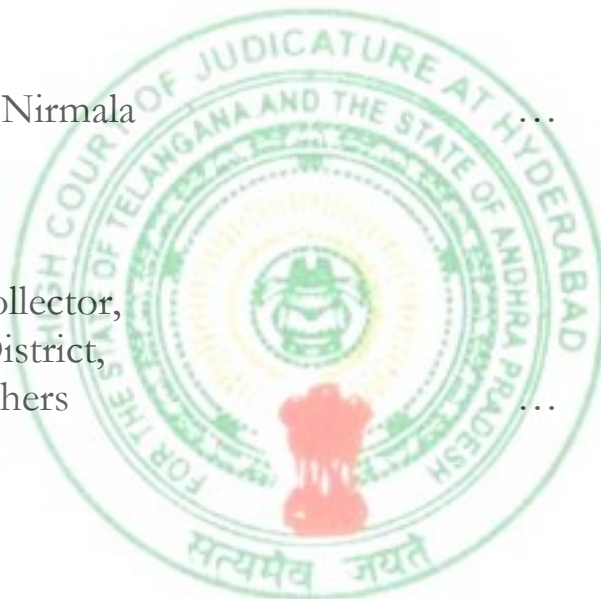
DATED 16TH OCTOBER, 2017

Between:

Nagarimadugu Nirmala Petitioner

AND

The District Collector,
YSR Kadapa District,
Kadapa, and others Respondents



Counsel for the petitioner : Sri D.Kodanda Rami Reddy

Counsel for the respondents : G.P. for Services (A.P.)

THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed for *certiorari* to quash order dated 26-10-2016 in O.A.No. 4845 of 2013 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

2. The petitioner applied for the post of Chowkidar in Mines and Geology Department in Kadapa District. As she produced 5th class certificate showing that she studied in M.P.P. School, Valmikipuram, Chittoor District, the petitioner was not treated as local and consequently she was denied appointment. The petitioner filed O.A.No. 4845 of 2013 before the Tribunal assailing Letter No. 474/E/2003 dated 03-06-2013 treating her as non-local candidate. The said O.A. was dismissed by the impugned order.

3. The petitioner pleaded in the Writ Petition that during pendency of the O.A., the genuineness of her claim that she is native of Araveedu Village of Galiveedu Mandal, Kadapa District, was upheld and consequent thereupon, she was appointed as Chowkidar and that by proceedings dated 30-09-2016, respondent No. 2 even confirmed her probation on successful completion of probation period of two years in the cadre of Chowkidar on 09-07-2015 and the

petitioner's services were accordingly regularized in the said post. The reason for the petitioner approaching this Court questioning the Tribunal's order is that in view of the observations made by the Tribunal, without being aware of the subsequent events leading to her appointment and also regularization, respondent No. 2 is taking steps to terminate her services.

4. At the hearing, learned counsel for the petitioner has submitted that during the pendency of the O.A., the petitioner failed to contact her lawyers, as a result of which they were not aware of the events, that have taken place during the pendency of the O.A., pertaining to the petitioner's appointment and also declaration of her probation and regularization of her services and that due to this communication gap, those facts could not be placed before the Tribunal. Learned Assistant Government Pleader has not disputed the facts of confirmation of genuineness of the claim of the petitioner as being the native of Kadapa District, her appointment as Chowkidar and declaration of her probation in the said post. Though ordinarily the petitioner should have been relegated to filing of a review before the Tribunal, in view of the undisputed fact of the petitioner's appointment and her successful completion of probation, we find

this course as wholly unnecessary. Instead, we permit the petitioner to withdraw the O.A. itself, so that respondent No. 2 would not venture to act against her interests based on the observations made by the Tribunal in the impugned order passed in the O.A. Accordingly, O.A.No. 4845 of 2013 is permitted to be withdrawn. As a consequence of such withdrawal, order dated 26-10-2016 of the Tribunal is set aside.

5. The Writ Petition is accordingly disposed of.

6. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 42969 of 2017 shall stand closed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 16-10-2017.

JSK