

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

WRIT PETITION No.45266 of 2016

ORDER: (per SK,J)

The petitioners are the wives of applicant Nos.4 and 7 in O.A.No.3369 of 2012. Upon seeking leave, they filed the present writ petition seeking a declaration that Memos dated 27.01.2012 and 01.07.2016 issued by the Engineer-in-Chief (Irrigation Wing), Irrigation and CAD Department, Hyderabad, State of Telangana, directing reversion of their husbands from the Work Charged Establishment to the posts of NMRs and to recover the excess payments made to them was illegal. The order dated 19.11.2015 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, dismissing O.A.No.3369 of 2012 for default was also subjected to challenge.

By order dated 26.12.2016, this Court suspended the impugned Memos and also the order dated 19.11.2015 passed in O.A.No.3369 of 2012.

In the light of the abolition of the Andhra Pradesh Administrative Tribunal insofar as the State of Telangana is concerned, the possibility of restoring O.A.No.3369 of 2012, which was dismissed for default, does not remain. In effect, there is no adjudication on merits by the Tribunal in relation to the grievance of the applicants in the said O.A.

As matters stand, employees of the State of Telangana are seeking redressal of their service disputes by way of writ petitions filed under Article 226 of the Constitution which would be heard by the learned single Judge concerned. In the event the grievance of the applicants in O.A.No.3369 of 2012 is taken up for consideration in this writ petition, the

parties to the dispute would be denied the remedy of an intra-Court appeal.

This being the situation, we are of the opinion that the issues sought to be raised in this writ petition should be addressed in the first instance before a learned single Judge of this Court.

The writ petition is accordingly dismissed confirming the order dated 19.11.2015 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.3369 of 2012 but leaving it open to the petitioners herein, the wives of applicant Nos.4 and 7 in the said O.A., to seek redressal of the grievance raised in the said O.A. before the appropriate forum in accordance with law. The interim suspension granted by this Court on 26.12.2016 shall continue to operate for a period of four weeks so as to enable the petitioners to take steps in terms of the aforestated liberty.

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

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:24.01.2017

GJ