

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.42747 OF 2017

Date:15.12.2017

Between:

M. Bhanu Prasad S/o.late M. Pathnakar,
Aged about 28 years, Occ: Junior Assistnat cum Typist,
Working in the O/o.Tahsildar, Kudair Mandal,
Ananthapuramu District, A.P., R/o.13/ 1-630-21,
M.G. Colony, Ananthapuramu and others

...Petitioners

Vs.

District Collector, Ananthapuramu,
Ananthapuramu District and others.

... Respondents

For Petitioners : Sri P.V. Krishnaiah

For Respondents : G.P. for Services –I (AP)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.42747 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the dismissal of their Miscellaneous Application under Sub-Rule 5 (a) of Rule – 4 of the Andhra Pradesh Administrative Tribunal (Procedure) Rules, 1989, the petitioners have come up with the above writ petition.

2. Heard Mr. P.V. Krishnaiah, learned counsel for the petitioners. In view of the limited nature of the dispute, we permit the Government Pleader to take notice.

3. The petitioners herein filed a single Original Application on the file of the Andhra Pradesh Administrative Tribunal, seeking regularization of their services, after declaration of their probations. Along with the original application, they filed M.A. No.1080 of 2017 seeking leave to join together to file a single original application. The Tribunal dismissed the application on the ground that the date of appointment, date of placing every individual on probation and the date from which they will be entitled to regularization are all different and that since there was no common cause, they could not file a single original application.

4. But, the Tribunal lost sight of the fact that the theory of cause of action as applicable to civil proceedings is completely different from the theory of cause of action as applicable to service jurisprudence. In a civil matter, all parties who join together may be entitled to a single relief. But, in service matter, even without reference to the dates, they may be entitled to a particular relief that could be taken to be common

for all of them. This difference, if kept in mind, would enable us to look at the very object of the Rule – 4 (5)(a) of the Procedure Rules. The object of this Procedure Rules is to avoid multiplicity of litigation. If persons appointed in a particular batch, though on different dates, are aggrieved by the action or inaction on the part of the respondents in treating the entire group as a whole in a particular manner, that would be the cause of action for them to approach the Tribunal.

6. In other words, all that the Tribunal should see is whether for the grant of the relief to the applicants, an exercise into the service particulars of the applicants was required to be undertaken individually or not. If an exercise is not required to be undertaken individually, in respect of each of the applicants, for the consideration of their prayer, then it will be a case where all of them can be permitted to join together. Therefore, the writ petition is allowed and the impugned order is set aside and the matter is remanded back to the Tribunal. The Miscellaneous Application shall stand allowed and the Tribunal may number the original application if it is otherwise in order and take it up for admission.

7. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

December 15, 2017
KTL