

3The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO
+ WRIT PETITION No.536 OF 2018

%Date:04.01.2018

Between:

Smt. G. Renuka W/ o. Sri N. Madhava Rao,
Hindu, age: 39 years, Occ: Staff Nurse,
Presently Public Health Nurse (Teaching),
MPHW (M), Training School, Eluru, West Godavari District.

...Petitioner

Vs.

\$ State of Andhra Pradesh, Rep. by its
Principal Secretary, Health, Medical & Family
Welfare Department, A.P. Secretariat, Amaravathi,
Velagapudi, Guntur District and others.

... Respondents

! Counsel for Petitioner : Mr. N. Siva Reddy

^ Counsel for Respondents : G.P. for Services (AP)

< Gist :

> Head Note :

? Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.536 OF 2018

ORDER: (per V. Ramasubramanian, J)

Challenging the refusal of the A.P. Administrative Tribunal to restore an application dismissed for non-prosecution, the petitioner has come up with the above writ petition.

2. Heard Mr. N. Siva Reddy, learned counsel for the petitioner. In view of the limited nature of the grievance, we directed the learned Government Pleader to take notice for the respondents.

3. The application filed by the petitioner in O.A. No.3072 of 2011 was dismissed for non-prosecution on 05.09.2013. Seeking restoration of the application, the petitioner filed a miscellaneous application, but the same was dismissed on the ground that there was no sufficient cause. Hence, the petitioner is before us.

4. It is seen from the impugned order that the Tribunal has taken a conservative approach in dealing with the application for restoration. Admittedly, the petitioner had to change his counsel after the previous counsel failed to appear. Therefore, the Tribunal cannot expect the petitioner and the present counsel to give reasons for the previous counsel's absence on 05.09.2013.

5. Hence, the writ petition is allowed and the impugned order is set aside and the original application filed by the petitioner shall stand restored. It may be dealt with in accordance with law by the Tribunal. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

January 04, 2018
KTL