

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4800 of 2018

ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present writ petition, the petitioner has challenged the order, dated 10.11.2017, passed in O.A.No.3037 of 2017, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal"), whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

Govt.Pleader for Services-I (AP) has taken notice on behalf of the respondents and with the consent of the parties, we hereby dispose of the present writ petition.

The petitioner was appointed as Water Supply Helper on NMR basis on 01.11.1998 in Peddapuram Municipality. He was absorbed in a regular vacancy of Water Supply Helper, vide proceedings in Rc.No.1065/95-C1, dated 27.06.1996, in pursuance of the orders of the learned Tribunal issued in O.A.No.306 of 1996 and thereafter, his services were regularized. Subsequently, he was promoted as Record Assistant and later as Junior Assistant, vide proceedings in Rc.No.921/2002/R1, dated 10.10.2002, issued by the Regional Director-cum-Appellate Commissioner, Rajahmundry. His services were regularized with effect from 31.10.2002 and that his probation was declared in the cadre of Junior Assistant with effect from 30.10.2003, vide proceedings in Rc.No.322/2001/A3, dated 06.02.2005, issued by the Regional Director-cum-Appellate Commissioner, Rajahmundry. While the matters stood thus, the Regional Director-cum-Appellate Commissioner of Municipal Administration, Rajahmundry issued

proceedings in Roc.No.1271/2013/A3, dated 21.11.2013, regularizing the services of the petitioner in the cadre of Junior Assistant with effect from 30.09.2011 and declaring his probation with effect from 14.11.2013.

Being aggrieved, the petitioner made a representation to the Principal Secretary to Government, Municipal Administration and Urban Development Department through proper channel, which was forwarded by the Commissioner, Peddapuram Municipality to the Government through the Director of Municipal Administration, vide letter in Roc.No.1065/95-C1, dated 05.03.2014. Thereafter, the petitioner preferred an appeal to the Principal Secretary to Government, Municipal Administration and Urban Development Department, Andhra Pradesh on 02.02.2017, which was forwarded by the Regional Director-cum-Appellate Commissioner, Municipal Administration, Rajahmundry to the Director of Municipal Administration, Andhra Pradesh, vide Lr.Roc.No.68/2017, dated 13.03.2017, but till date no action has been taken by the respondents.

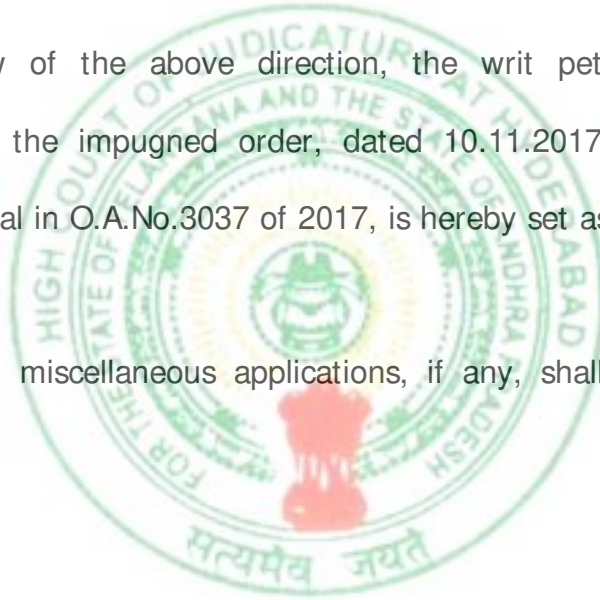
Based upon the above facts, the petitioner filed O.A before the Tribunal. The learned Tribunal dismissed the said O.A. by observing that under Section 20 of the Administrative Tribunals Act, 1985, the Original Application is not maintainable ordinarily, since the petitioner did not avail the statutory alternative remedy of appeal. Whereas the case of the petitioner is that he preferred an appeal to the Principal Secretary to Government, Municipal Administration and Urban Development Department, Andhra Pradesh on 02.02.2017, which was forwarded by the Regional Director-cum-Appellate Commissioner, Municipal Administration, Rajahmundry to the Director of Municipal Administration, Andhra Pradesh, vide Lr.Roc.No.68/2017, dated 13.03.2017, but till date no action has been taken by the respondents.

It is not in dispute that the appellate authority of the petitioner is the Regional Director-cum-Appellate Commissioner, Municipal Administration, Rajahmundry. But since the impugned order, dated 21.11.2013, is passed by the Regional Director-cum-Appellate Commissioner itself, therefore, the appeal lies only with the Government of Andhra Pradesh.

Therefore, keeping in view of the above facts, we hereby direct respondent No.1 to decide the appeal filed by the petitioner, dated 02.02.2017, within a period of 4 (four) weeks from the date of receipt of a copy of this order.

In view of the above direction, the writ petition is allowed. Consequently, the impugned order, dated 10.11.2017, passed by the learned Tribunal in O.A.No.3037 of 2017, is hereby set aside. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.



SURESH KUMAR KAIT,J

ABHINAND KUMAR SHAVILI,J

Date: 15.02.2018
Dsr