

THE HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6311 of 2018

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

Vide the present petition, the petitioner has challenged the order dated 27.12.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.6111 of 2014, whereby the application filed by petitioner under Section 19 of the Administrative Tribunals Act, 1985, was dismissed by passing the following order:

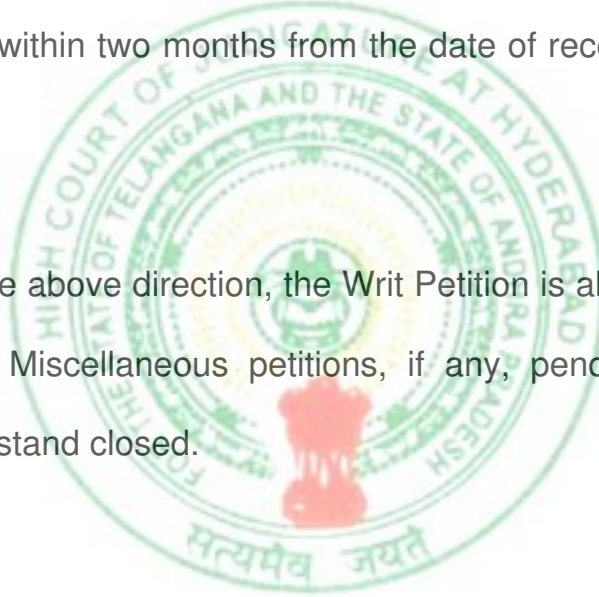
“In any event, the applicant has got remedy by way of filing appeal under the relevant rules relating to the Andhra Pradesh Village Servants Service Rules, 2005 issued in G.O.Ms.No.1849 Revenue (VO) Department dated 28.10.2005 as amended from time to time. Without availing the said statutory remedy of appeal, the applicant wants to approach this Tribunal with this original application. Section 20 of the Administrative Tribunals Act, 1985 ordinarily stands as a bar for entertaining original application of this nature, in case the applicant has failed to avail alternative statutory remedy of appeal. There are no special or extraordinary circumstances to entertain this Original Application at this stage. Therefore, the applicant will be at liberty to approach the appellate authority by filing appeal questioning appointment of the sixth respondent as Village Revenue Assistant of Veeraramapuram village, subject to the period of limitation”.

2. Learned counsel for petitioner submits that the Revenue Divisional Officer is the appellate authority and that the Tribunal ought to have noted that the father of 6th respondent obtained birth certificate of the 6th respondent subsequent to oral interview for the purpose of passport and the same was used for appointment purpose by playing fraud with the collusion of Revenue Divisional

Officer and Tahsildar and as such, the entire procedure is vitiated in the interest of justice.

3. Keeping in view the aforesaid position, we hereby set aside the order dated 27.12.2017 passed in O.A.No.6111 of 2014 and remand the matter to the Tribunal to decide the application filed by petitioner, on merits. Since the post in question is pursuant to notification dated 27.12.2013 and all formalities were done in the year 2014, we hereby direct the Tribunal to dispose of the application filed by petitioner, on merits, after giving opportunity to both parties, within two months from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition is allowed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

26th February, 2018

sj