

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.8243 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the order dated 28.02.2018 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, holding that O.A.No.382 of 2018 was unnecessary and dismissing it.

The petitioner herein is the applicant in the aforesaid O.A. Her prayer therein was to call for the records relating to the Memo dated 30.01.2018 issued by the State of Andhra Pradesh and the consequential letter dated 31.01.2018 of the Commissioner and Director of Municipal Administration, Andhra Pradesh, and declare the same to be illegal. It appears that when a similar attack was launched against the very same proceedings in O.A.No.201 of 2018 before the Tribunal, no interim orders were granted and aggrieved thereby, the applicant therein filed W.P.No.4795 of 2018 before this Court. The said writ petition was disposed of suspending the Memo dated 30.01.2018 and the consequential letter dated 31.01.2018 till a final decision was taken by the Tribunal in the pending O.A.No.201 of 2018. This fact seems to have been brought to the notice of the Tribunal in the present O.A., whereupon the Tribunal opined that as the Memo dated 30.01.2018 and the consequential proceedings dated 31.01.2018 were suspended by this Court, the same would be applicable to the entire State and not merely to the parties thereto and accordingly dismissed the O.A. as unnecessary.

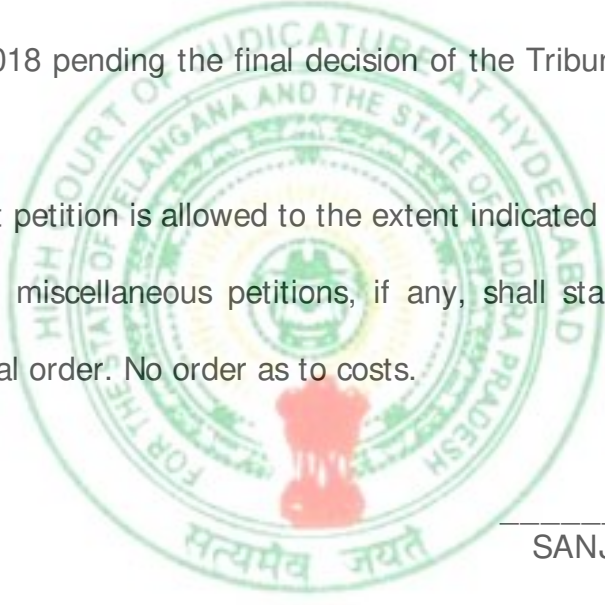
This Court is at a loss to understand as to why the petitioner/ applicant cannot be permitted to supplement the challenge already laid to the very same proceedings in O.A.No.201 of 2018. Merely because such a

challenge has already been entertained, it would not be open to the Tribunal to refuse to admit any other O.As. laying the same challenge. Even if the issue raised in the present O.A. is identical to the one raised in O.A.No.201 of 2018, the Tribunal cannot non-suit the petitioner/applicant on that ground holding her challenge to be unnecessary.

The order dated 28.02.2018 in O.A.No.382 of 2018 is accordingly set aside and the said O.A. is restored to the file of the Tribunal to be adjudicated along with O.A.No.201 of 2018. In terms of the order passed in W.P.No.4795 of 2018 in relation to O.A.No.201 of 2018, there shall be suspension of the Memo dated 30.01.2018 and the consequential letter dated 31.01.2018 pending the final decision of the Tribunal in the subject O.A.

The writ petition is allowed to the extent indicated above.

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



SANJAY KUMAR,J

M.GANGA RAO, J

Date: 19.03.2018
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