

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.42033 of 2015

ORDER: (Oral)

(Per Suresh Kumar Kait, J)

Vide the present writ petition, petitioner has challenged order dated 08.10.2015 passed in M.A.No.2081 of 2015 in M.A.Sr.No.16118 of 2014 in M.A.No.1740 of 2013 in O.A.No.4578 of 2011 by the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. It is not in dispute that there was no representation on behalf of the petitioner before the Tribunal on 21.02.2013, 25.02.2013, 27.02.2013 and on 05.03.2013. It is also not in dispute that after dismissal of the O.A., vide order dated 05.03.2013, none appeared on behalf of the petitioner in the restoration petition on 14.08.2013. Thereafter, restoration petition was dismissed on 14.10.2014.

3. After perusing the order of the Tribunal, we do not find any illegality or perversity in the said order, however, the case of the petitioner is that he was removed from service on 09.05.2011 and against the said removal order, he filed O.A.No.4578 of 2011. Therefore, keeping in view the facts and circumstances of the case, we hereby condone the delay of 1 month-15 days in filing the petition for restoration of the order of the Tribunal dated 05.03.2013 and allow restoration petition.

4. Consequently, O.A.No.4578 of 2011 is restored to its original number. The Tribunal is directed to adjudicate the said O.A., on merits after giving opportunity to either side.

5. Writ petition is accordingly allowed. No order as to costs.

Miscellaneous petitions, if any pending in the writ petition, stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

March 6, 2018
MRR