

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

WRIT PETITION NO.9662 OF 2018

ORDER: (per SK,J)

The petitioner filed O.A.No.404 of 2018 before the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking a direction to the Commissioner of Prohibition and Excise, Andhra Pradesh, to consider and pass speaking orders on his appeal dated 17.12.2017 and thereafter, take up his case for promotion to the post of Prohibition and Excise Inspector. By order dated 06.03.2018, the Tribunal dismissed the O.A. observing that Rule 26(c) of the Andhra Pradesh State and Subordinate Service Rules, 1996 (for short, 'the Rules of 1996'), prescribes the outer limit of one year for disposal of an appeal and therefore, the petitioner/applicant could not seek a direction to dispose of his appeal filed as recently as on 17.12.2017 within a shorter time frame. The Tribunal also gave liberty to the petitioner/applicant to approach the appellate authority for interim orders pending the appeal and in such an event, the appellate authority was to consider the same and pass orders on merits. In the result, the Tribunal observed that any promotions given pursuant to the impugned final seniority list would always be subject to the outcome of the pending appeal and therefore, no cause was made out to entertain the subject O.A. Aggrieved by the said dismissal, the petitioner/applicant is before this Court.

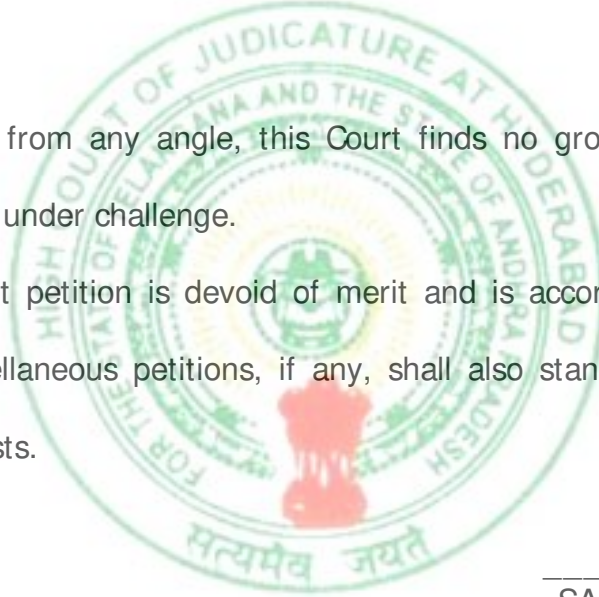
Sri K.R.Srinivas, learned counsel for the petitioner/applicant, would state that there is no rule permitting the appellate authority to entertain an application for interim relief pending the disposal of the appeal. However, learned counsel does not dispute the fact that the Tribunal did

grant such liberty to the petitioner/applicant and the respondents in the O.A. accepted the same in as much as they have not chosen to file a writ petition aggrieved by this portion of the order.

In that view of the matter, as Rule 26(c) of the Rules of 1996 specifically provides a maximum period of one year for disposal of an appeal, we are opinion that the petitioner/applicant cannot seek a mandamus to the appellate authority to pass orders within a shorter time frame. Further, the Tribunal, in its wisdom, has chosen to give liberty to the petitioner/applicant to seek interim relief before the appellate authority and therefore, it is for him to make use of such liberty, if he so chooses.

Viewed from any angle, this Court finds no grounds to interfere with the order under challenge.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR,J

M.GANGA RAO,J

Date:23.03.2018

GJ