

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

WRIT PETITION No.13219 OF 2018

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

The order dated 04.02.2016 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.4126 of 2012 is challenged by way of this writ petition. The petitioner is the unsuccessful applicant therein.

Sri P.Amarender, learned counsel for the petitioner/applicant, would submit that the Tribunal failed to take note of the fact that his client was appointed as a part-time Lecturer in Commercial Practice in Government Polytechnic, Srikakulam, on 19.02.1982 and erred in not considering his right to seek regularization in service in the context of the rules formulated in the year 2005. Learned counsel would assert that the petitioner/applicant was fully qualified in terms of the rules obtaining at the time of his appointment and, that apart, six similarly situated employees who were covered by those earlier rules were regularized in service in the year 1990 and subsequently two others were also extended the said benefit in the year 1998, but the case of the petitioner/applicant was overlooked.

Perusal of the order under challenge reflects that the Tribunal did not consider the issue of applicability of the rules framed in the year 2005 to the case of the petitioner/applicant who was in service since 1982. The other aspect of similarly situated employees being given the benefit of regularization was also not adverted to.

We are therefore of the opinion that the order under challenge cannot be sustained as all issues raised by the petitioner/applicant were not adjudicated upon.

The order under challenge is accordingly set aside and the matter is remitted to the Tribunal for consideration of all issues raised by the petitioner/applicant on merits and in accordance with law. The Tribunal is requested to dispose of the O.A. expeditiously given the fact that this is the second round of adjudication.

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: 17.04.2018
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