

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

I.A.No.3 OF 2018 IN WRIT PETITION No.16551 OF 2018 AND
WRIT PETITION No.16551 OF 2018

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

The petitioners in this writ petition are strangers to O.A.No.3432 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was filed by the third respondent herein. The said O.A. was dismissed by the Tribunal by order dated 26.12.2017. In the context of the said order, this writ petition is filed with the following prayer:

“For the reasons stated in the accompanying Affidavit, it is therefore, prayed that this Hon'ble High Court may be pleased to grant appropriate relief more in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the Orders of the Hon'ble Tribunal dated 26.12.2017 passed in OA No.3432/2017 filed by the 3rd Respondent in dismissing the OA erroneously and contrary to law and set aside the same and also declare Circular Memo No.RC/ENC/AP/A2/03032015, dt.10.05.2017 issued by the 2nd Respondent and consequential Memo No.19039/Ser-I/2013, dt.06.07.2017 issued by the 1st Respondent and all other consequential proceedings, including Proceedings No. Rc/ENC(Admn.)/C1/C2/786999/2017-Z-II, dated 10.08.2017 and Rc/ENC(Admn.)/C1/C2/786999/2017-Z-II, dated 02.11.2017, as well as G.O.Ms.No.67 dt. 23.10.2017, G.O.Ms.No.70, dated 03.11.2017, G.O.Ms.No.72, dt. 07.11.2017 and G.O.Ms.No.73, dated 07.11.2017 issued by the 1st and 2nd Respondents as equally arbitrary, illegal, unconstitutional and contrary to the Presidential Order issued under Article 371D of the Constitution of India and contrary to the principle of law laid down by the Hon'ble Supreme Court in case of A.Suryanarayana Rao & Others v State of Andhra Pradesh apart from contrary to Rule-6, 24 and 25 of AP State and Subordinate Service Rules apart from violating principles of natural justice and set aside the

same and issue consequential directions directing the Respondents to prepare panels in the cadre of Deputy Executive Engineers, Executive Engineers and Superintending Engineers etc., and effect promotions to the post of Deputy Executive Engineers, Executive Engineers and Superintending Engineers and above without reference to para 5 of the Circular Memo No.RC/ENC/AP/A2/03032015, dt. 10.05.2017 and also direct the Respondents to allow the Petitioners to continue as Executive Engineers till completing the aforesaid exercise of reviewing panels without reference to para 5 of the Circular Memo RC/ENC/AP/A2/03032015, dt. 10.05.2017 issued by the 2nd Respondent and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case."

As the petitioners were not parties to the O.A. in question, they filed I.A.No.3 of 2018 seeking leave of this Court to present this writ petition.

In the light of the law laid down by the Supreme Court in *L.Chandra Kumar v. Union of India*¹, the Tribunal constituted under the Administrative Tribunals Act, 1985, is the Court of the first instance in so far as service disputes of the State Government employees are concerned. It is only after inviting a decision on merits from the said Tribunal that the party aggrieved thereby can approach this Court seeking judicial review of the said decision under Article 226 of the Constitution. It is not open to a party to straight away come before this Court on the ground that an identical grievance has already been dealt with by the Tribunal and therefore he can assail the decision of the Tribunal in that case before this Court directly though he is not a party therein. We therefore see no grounds to grant leave to the petitioners to file this writ petition.

¹ (1997) 3 SCC 261

I.A.No.3 of 2018 is accordingly dismissed. In consequence, W.P.No.16551 of 2018 is also dismissed. This order shall however not preclude the petitioners from seeking redressal of their grievance before the appropriate forum in accordance with law.

Other pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 01.05.2018

Note:- Issue CC in two days.

(B/o)

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