

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.18492 OF 2018

Dated:07.06.2018

Between:

Kumara Swamy Nayak, S/o. Late Hadia
Nayak, age 58 years, Occ: lHostel Welfare
Officer (now dismissed), Government B.C.
Boys Hostel, Yerramukkam Village,
Sompeta Mandal, Srikakulam District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Secretary, Tribal Welfare Department,
A.P. Secretariat, Velagapudi, Krishna
District, Andhra Pradesh and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner is an employee of the State of Andhra Pradesh. In this Writ Petition, petitioner challenges the order of dismissal from service on the ground that he does not belong to Dhulia (ST) caste and the said caste certificate was cancelled. As the grievance of the petitioner is a service dispute between himself and the State of Andhra Pradesh, petitioner has to avail the remedy before the Andhra Pradesh Administrative Tribunal (APAT) constituted under the Administrative Tribunals Act, 1985 (for short, 'the Act'). As held by the Supreme Court in ***L. Chandra Kumar v. Union of India***¹, the APAT is the Court of first instance to adjudicate service disputes and an aggrieved employee cannot directly invoke the jurisdiction of this Court.

3. The Writ Petition is accordingly dismissed granting liberty to the petitioner to avail appropriate remedies available under the Act. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:07.06.2018

Note:- Issue C.C. tomorrow
(B/o)
KH

¹ AIR 1997 SC 1125