

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

WRIT PETITION No.22265 of 2018

ORDER: (Oral)

(Per Suresh Kumar Kait, J)

We have heard learned counsel for the petitioner, the learned Government Pleader for Municipal Administration & Urban Development, appearing on behalf of the respondents and with their consent, pass orders in the writ petition itself at the admission stage.

Vide the present petition, petitioner has challenged order dated 27.04.2018 passed in O.A.No.838 of 2018 by the A.P. Administrative Tribunal, Hyderabad, whereby the application filed by him under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed.

Petitioner has challenged seniority list dated 28.03.2017 before the Tribunal by the aforesaid O.A. However, the same was dismissed on the ground that the petitioner has not availed statutory remedy under Rule 23 or Rule 26 of the Andhra Pradesh State and Subordinate Service Rules, 1996.

After hearing learned counsel for the parties, we see no infirmity in the order of the Tribunal under challenge.

The writ petition is accordingly dismissed. However, petitioner is at liberty to file an appeal before the appellate authority against the seniority list dated 28.03.2017 within a period of two weeks from today. On receipt of the appeal to be filed by the

petitioner, respondents/authorities shall dispose of the same not later than two months from the date of receipt of this order and communicate the decision taken, to the petitioner, within one week thereafter, in writing. It is made clear that, while deciding the appeal, respondents/authorities shall keep in mind the decision of the Hon'ble Supreme Court in *Orissa Lift Irrigation Corp. Ltd. v. Rabi Sankar Patro & ors.*, dated 22.01.2018, rendered in Civil Appeal Nos.17869-17870 of 2017 and also the orders of this Court in W.P.Nos.16201, 16212 and 16225 of 2017, apart from taking into view clarifications dated 17.03.2017 and 11.07.2017.

As a sequel, miscellaneous petitions, if any pending in the petition, stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

July 02, 2018
MRR