

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

W.P. No. 25079 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 14.06.2018 in O.A.No. 1129 of 2018 whereby the learned A.P. Administrative Tribunal, Hyderabad, while dismissing the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has recorded as under:

“In any event, when representation of the applicant dated 09.03.2018 is pending with the Government for dropping further action in the departmental proceedings, this Tribunal cannot entertain this Original Application simultaneously for the self-same relief since representation of the applicant to the Government is only three months old and since it has been sent through proper channel, this Tribunal does not intend to hustle the Government in the matter, in spite of the fact that the applicant is going to retire from service on attaining the age of superannuation on 30.06.2019.

In the result, the Original Application is dismissed.”

It is an undisputed fact that the petitioner is going to retire on 30.06.2019 on attaining the age of superannuation. Therefore, we deem it appropriate to direct the respondents to decide the petitioner's representation dated 09.03.2018.

The learned Government Pleader for Services (A.P.) has brought to the notice of this Court that in similar case, the learned Tribunal, by order dated 24.10.2011 in O.A.No. 3301

of 2009, has stayed the disciplinary proceedings against the delinquent officer therein.

It is not in dispute that the enquiry proceedings are set aside by the Tribunal against another delinquent officer and not the petitioner herein, therefore, we make it clear that the respondents shall consider the representation dated 09.03.2018 said to have been made by the petitioner, and pass appropriate orders thereon, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order without getting influenced by the order dated 24.10.2011 passed by the Tribunal in O.A.No. 3301 of 2009.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

20.07.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J