

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition No.46094 of 2016

% Date: 03-01-2018

1. M.Hariprasad, S/o late M.Naga Subbaiah,
Aged 34 years, R/o D.No.2-477, Krishna Nagar,
T.Sundupalle (M), YSR Kadapa Dist.

2. Smt. K.Bhagyalakshmi, D/o late M.Naga Subbaiah,
W/o K.Surender, Aged 32 years, Occ: Housewife,
R/o D.No.1/88, Buggakaluva Street,
Madanapalle Town, Chittor Dist.-517 001

... Petitioners

Vs.

\$ 1. The State of A.P., Rep. by its Prl. Secretary,
Revenue Dept., Secretariat (Temporary),
Near Amaravati, Guntur Dist.,
and 6 others

... Respondents

! Counsel for Petitioners: Mr. P.Subash

Counsel for Respondents 1 to 5: G.P. for Revenue (AP)

Counsel for Respondent No.6: Mr. G.Ramakrishna

Counsel for Respondent No.7: ---

< Gist:

> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.46094 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioners herein are the son and daughter respectively of one M.Naga Subbaiah, who was employed as an Attender in the office of the Tahsildar. They were born to the first wife of the deceased employee.

2. The 6th respondent herein is stated by the petitioners themselves to be the second wife of the deceased employee. The deceased employee appears to have got two children through the 6th respondent herein.

3. The employee died in harness on 01-4-2013. Thereafter, the 6th respondent herein filed an application in O.A.No.407 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking a direction to provide compassionate appointment and also to release the terminal benefits. In the said original application, the petitioners herein were impleaded as respondents 6 and 7.

4. The original application was disposed of by the Tribunal by an order dated 16-3-2016, directing the compassionate appointment as well as family pension to be given to the 6th respondent herein. The Tribunal directed the payment of 3/5 share of the death cum pensionary benefits of the employee to the 6th respondent herein and the balance 2/5 share to the writ petitioners herein.

5. In the order of the Tribunal, the Tribunal recorded in paragraph-9 that the counsel for the petitioners herein (who were the respondents 6 and 7 before the Tribunal) had no objection to the said course of action. Taking exception to the said statement recorded by the Tribunal in paragraph-9, the petitioners herein came up with a writ petition. The writ petition was dismissed with liberty to the petitioners to go back to the Tribunal and seek a review, if what was recorded in paragraph-9 of the order of the Tribunal was factually incorrect.

6. Instead of filing an application for review, the counsel for the petitioners gave a letter to the Registrar of the Tribunal, taking a stand that he never gave consent. This is the first mistake committed by the counsel for the petitioners.

7. The mistake committed by the counsel for the petitioners was compounded by the Tribunal, by taking up that letter and posting the matter for being mentioned. This 2nd mistake committed by the Tribunal was further complicated by the Tribunal passing a very innocuous order deleting paragraph-9 of its original order where the consent was recorded.

8. Challenging the order passed on modification and the order passed originally, the petitioners who were the respondents 6 and 7 before the Tribunal have come up with the present writ petition.

9. There are two prayers in the present writ petition. One relates to the original order of the Tribunal and the other relates to the order passed on being mentioned. The prayer challenging the original order, cannot be entertained in view of the fact that the same was the subject matter of challenge in the previous writ petition. The prayer relating to the order passed on being mentioned, even if sustainable, will not advance the cause of the petitioners. All that the Tribunal did in the order passed on being mentioned was to delete paragraph-9 of its earlier order. By getting this order set aside and having paragraph-9 restored, the petitioners will only be inviting a greater penalty for themselves. Therefore, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

03rd January, 2018.
Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.46094 of 2016
(per VRS, J.)



03rd January, 2018.
(Ak)