

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

And

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27748 OF 2018

ORDER: (Oral, *Per* Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present Petition, the petitioners have challenged the order, dated 23.07.2018, passed in M.A. No.37 of 2018 in O.A. No.10157 of 2012 by the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'); whereby the application filed by the petitioners seeking to recall the order, dated 29.12.2015, in O.A. No.10157 of 2012 and restore it to its original position on the ground that due to oversight, on 29.12.2015, it was not noticed about listing of the Original Application, has been dismissed.

The present Petition is second round of litigation before this Court for the same relief. *Vide* order dated 21.02.2018, in Writ Petition No.5779 of 2018, this Court earlier, directed the Tribunal to dispose of M.A. No.37 of 2018 in O.A. No.10157 of 2012, on merits, by considering the Full Bench decision of this Court in ***G.Narasimha Murthy Vs. District Collector, Mahabubnagar***¹, within a period of two (2) weeks from the date of receipt of a copy of that order. However, the learned Tribunal, without considering the aforesaid direction, has dismissed M.A. No.37 of 2018 *vide* the impugned order.

Without much commenting on the manner the impugned order is passed, we hereby set-aside the order dated 23.07.2018 passed in M.A. No.37 of 2018 and, accordingly, direct the learned Tribunal to pass a fresh order, on merits, by duly considering the Full Bench decision of this Court

¹ 2006 (3) ALD 370 (FB)

in ***G.Narasimha Murthy***¹, within a period of two (2) weeks from the date of receipt of a copy of this order.

We hereby make it clear that the Bench which has passed the order dated 23.07.2018 shall not pass the order and, hence, the matter shall be placed before another Bench.

Accordingly, with the above observations, the Writ Petition is allowed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

Date: 07-08-2018.
Dsh

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WRIT PETITION No.27748 OF 2018

(Order of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)

Date. 07-08-2018

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