

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.30532 OF 2018

ORDER: (per SK,J)

The State of Andhra Pradesh and its officials in the police department filed this writ petition aggrieved by the order dated 09.03.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal'), in O.A.No.3316 of 2014. The said O.A. was filed by the respondent herein seeking a declaration that the proceedings dated 28.04.2014 issued by the Deputy Inspector General of Police, Visakhapatnam Range, Visakhapatnam, were in contravention of the earlier order dated 16.07.2013 passed by the Tribunal in O.A.No.5403 of 2013 and to set aside the same. He also sought a consequential direction to the authorities to consider his case for promotion as a Sub-Inspector of Police as per the Regularisation Orders dated 09.04.2014 issued by the City Police Commissioner, Visakhapatnam.

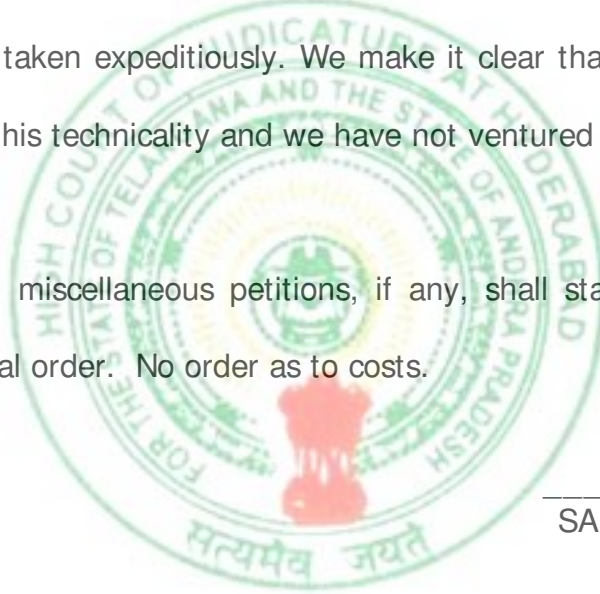
Be it noted that the impugned proceedings dated 28.04.2014 were issued by the Deputy Inspector General of Police, Visakhapatnam Range, Visakhapatnam, promoting as many as thirty individuals as Sub-Inspectors of Police on seniority basis. Significantly, none of these thirty promotees were made parties to the O.A. Despite the same, the Tribunal allowed the O.A. by its order dated 09.03.2017. In consequence, the impugned proceedings dated 28.04.2014 also stood set aside though the parties adversely affected thereby were not even before the Tribunal. Violation of the principles of natural justice is therefore writ large.

Sri P.Venu Gopal, learned senior counsel appearing for
Sri V.Maheswar Reddy, learned counsel for the respondent, the applicant

in the O.A., fairly concedes that there was an error on the part of the respondent in failing to implead the affected parties in the O.A. Learned senior counsel would state that the order under challenge may therefore be set aside on this short ground but the respondent-applicant may be permitted to remedy the situation by impleading the affected parties to the O.A. so that the case can be considered afresh by the Tribunal.

The writ petition is accordingly allowed setting aside the order dated 09.03.2017 passed by the Tribunal in O.A.No.3316 of 2014. The O.A. is remanded to the file of the Tribunal for consideration afresh after impleadment of the affected parties by the respondent-applicant. Such steps shall be taken expeditiously. We make it clear that the order is set aside only on this technicality and we have not ventured into the merits of the matter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

M.GANGA RAO,J

Date:04.09.2018

GJ