

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

WRIT PETITION No.38715 of 2015

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed aggrieved by the order dated 12.08.2015 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, dismissing O.A.No.6565 of 2012 on the ground that the State of Telangana and its authorities had not been impleaded thereto. It may be noted that the O.A. was filed in the year 2012, at which point of time, the State of Telangana had not come into existence and therefore, the Tribunal could as well have applied Section 104 of the Andhra Pradesh Reorganisation Act, 2014, which makes provision for the State of Telangana to be deemed to have been substituted for the State of Andhra Pradesh in pending litigation. However, the Tribunal chose to dismiss the O.A. Thereafter, the petitioner impleaded the State of Telangana in the place of the Government of Andhra Pradesh and also sought amendment of his prayer in the writ petition. The said amendment was permitted and by virtue of the amended prayer, the petitioner now seeks restoration of the O.A. and transfer of the same to the file of this Court by renumbering it as a writ petition (transferred).

2. As the Administrative Tribunal ceased to exist in so far as the State of Telangana is concerned in September, 2016, this writ petition is allowed restoring O.A.No.6565 of 2012 to the file. The same shall now be treated as a writ petition (transferred) and re-numbered accordingly by the Registry, so that it can be placed before the learned Judge having the provision to hear it for adjudication of the issues raised therein on their own merits.

3. 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: 11.12.2018
GHN

