

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

WRIT PETITION Nos.38051 AND 38066 OF 2018

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

The prayer in W.P.No.38051 of 2018 reads as under:

“For the reasons stated in the accompanying affidavit, the Petitioners pray that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Certiorari calling for the records relating to O.A.No.2671 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad to quash G.S.R.636(E) dt.23.6.2017 published in the Gazette of India No.527 dt.23.6.2017 in terms of the judgment dt.28.08.2018 in W.P.No.23267/2017 & Batch and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The prayer in W.P.No.38066 of 2018 reads as under:

“For the reasons stated in the accompanying affidavit, the Petitioners pray that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Certiorari calling for the records relating to O.A.No.2670 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad to quash G.S.R.638(E) dt.23.6.2017 published in the Gazette of India No.529 dt.23.6.2017 in terms of the judgment dt.28.08.2018 in W.P.No.23267/2017 & Batch and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

In the light of the law laid down by the Supreme Court in L.CHANDRA KUMAR V/ s. UNION OF INDIA¹, the Tribunal constituted under the Administrative Tribunals Act, 1985, is the Court of the first

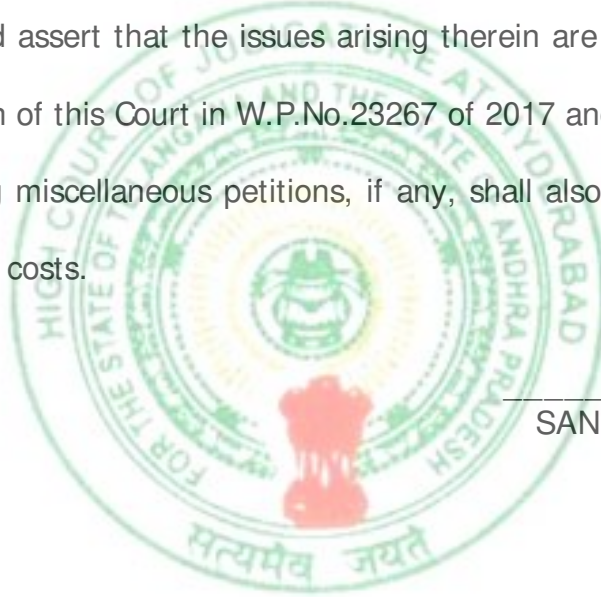
¹ (1997) 3 SCC 261

instance and the power of judicial review vesting in this Court under Article 226 of the Constitution would arise only upon adjudication of the service dispute by the Tribunal concerned.

In that view of the matter, we find no grounds to call for the pending O.As. for adjudication by this Court under Article 226 of the Constitution.

The writ petitions are utterly misconceived and are accordingly dismissed. This order shall however not preclude the petitioners from making a request before the Tribunal to take up the hearing of the subject O.As. expeditiously and, all the more so, as Sri Bobbili Srinivas, learned counsel, would assert that the issues arising therein are squarely covered by the decision of this Court in W.P.No.23267 of 2017 and batch.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

Date: 23.10.2018
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