

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

WRIT PETITION No.39559 OF 2018

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

The petitioner is the unsuccessful applicant in O.A.No.2422 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was dismissed by the Tribunal, *vide* order dated 27.10.2018, taking note of the fact that an efficacious alternative remedy in the form of an appeal was available to the petitioner-applicant and holding that he ought not to have approached the Tribunal straightaway in the light of Section 20 of the Administrative Tribunals Act, 1985 (for short, 'the Act of 1985'). The prayer of the petitioner in the O.A. was to declare the proceedings dated 24.10.2018 of the Regional Director of Medical and Health Services, Zone-IV, Kadapa, YSR District, rejecting his claim for promotion to the post of Senior Assistant permanently on the ground that he was not entitled to such promotion in terms of Rule 28 of the Andhra Pradesh State and Subordinate Service Rules, 1996, as illegal and contrary to the law laid down by this Court.

It is however not in dispute that the petitioner-applicant has the remedy of filing an appeal against the aforestated proceedings dated 24.10.2018. The Tribunal took note of Section 20 of the Act of 1985, which ordinarily bars admission of applications unless other remedies are exhausted. In the light of the discretion exercised by the Tribunal in this regard, we are not inclined to interfere.

As the petitioner-applicant still has time to prefer an appeal, the writ petition is dismissed confirming the order passed by the Tribunal. Needless to state, as and when an appeal is filed by the petitioner-

applicant, the same shall be dealt with by the appellate authority expeditiously keeping in mind the law laid down by this Court on the subject issue.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 02.11.2018
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