

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

WRIT PETITION No.41622 of 2018

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

Personal service of notice by registered post with acknowledgment due having been permitted upon respondents 4 to 24, learned counsel for the petitioners filed a memo in proof of service, which would demonstrate that some of them have been served while in the case of others, the notices were returned as 'unclaimed' as per the tracking report of the Postal Department. As this would amount to deemed service, we are of the opinion that the issue of service stands settled.

Sri B.Srinarayana, learned counsel for the petitioners, would state that the present writ petition was filed aggrieved by the direction of the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.2391 of 2018 filed by the petitioners, *vide its* order dated 31.10.2018, requiring them to take recourse to the alternative remedy of appeal in the first instance before knocking on its doors. Learned counsel would state that this direction has become superfluous in the light of the Memorandum dated 10.09.2018 issued by the Director General of Police, Andhra Pradesh, rejecting an appeal on the same lines in relation to Kurnool District and therefore, there would be no point served in the petitioners taking recourse to the appellate remedy when the result thereof is already known.

We are however not persuaded to agree.

When the statute prescribes an efficacious alternative remedy of appeal, it is not open to a litigant to state that as a similar appeal has

already been entertained and an adverse order has been passed therein, he need not take recourse to the statutory hierarchy of remedies.

The writ petition is accordingly dismissed leaving it open to the petitioners to file the statutory appeal within two weeks from the date of receipt of a copy of this order. The said appeal shall be considered on its own merits and in accordance with law, uninfluenced by the dismissal of this writ petition.

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

Date: 06.12.2018
IBL



SANJAY KUMAR, J

M. GANGA RAO, J