

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

WRIT PETITION No.45405 of 2018

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

The unsuccessful applicants in O.A.No.2589 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed *vide* order dated 05.12.2018, are the petitioners. Their prayer in the said O.A. was to set aside the proceedings dated 11.06.2018 of the Chief Commissioner of Land Administration, Andhra Pradesh, whereby *ad hoc* panels were approved for the year 2017-18 for promotion to the post of Tahsildar. It was their case that no uniform procedure was followed and no substantive vacancies were available for making such *ad hoc* promotions. They sought a consequential direction to the authorities to review the panels and limit them only to substantive vacancies. By the order under challenge, the Tribunal noted that some of the petitioners-applicants had filed appeals against the approval of these *ad hoc* panels for the panel year 2017-18 before the Government of Andhra Pradesh on 26.09.2018 and the same were pending. The Tribunal therefore observed that the petitioners-applicants should have waited for disposal of the said appeals before approaching it and accordingly dismissed the O.A. As regards the request of the petitioners-applicants that a direction should be given to the Government to pass orders on the pending appeals within a time frame, the Tribunal was of the opinion that such a request could not be entertained as only two months had elapsed since the filing of the appeals.

It is no doubt true that in terms of Section 20(2)(b) of the Administrative Tribunals Act, 1985, a person shall be deemed to have

availed of all the remedies available to him under the relevant service rules as to redressal of grievances where no final order has been made by the Government or other authority or officer or other person competent to pass such an order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired. Therefore, technically the Tribunal was right in non-suiting the petitioners-applicants as only two months had elapsed since the filing of the appeals. But, that did not mean that the Tribunal could not have taken note of the urgency in the matter and directed the appellate authority to pass appropriate orders on the pending appeals expeditiously instead of waiting for the expiry of six months period. In the case on hand, the pending appeals relate to the approval of *ad hoc* panels for the panel year 2017-18, which would mean that the empanelled candidates would be considered for such *ad hoc* promotion even during the pendency of the appeals and the same would not only lead to unnecessary complications but may also play upon the mind of the appellate authority while dealing with the merits of the appeals. This was therefore a fit case where the appeals filed by some of the petitioners-applicants should have been given utmost priority by the appellate authority, *viz.*, the Government of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, the sixth respondent herein.

In that view of the matter, the writ petition is disposed of directing the appellate authority, the sixth respondent, to give priority to the pending appeals filed by some of the petitioners-applicants on 26.09.2018 and dispose of the same on their own merits and in accordance with law

expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

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: 14.12.2018
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