

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
And
HON'BLE SRI JUSTICE M. GANGA RAO

+ W.P.No.42712 of 2017

%Date: 19-01-2018

Between:

Tenneti Sujatha D/o. Gurupadam,
Junior Assistant, O/o. Government Dental College & Hospital
Vijayawada, Krishna District, R/o. D.No.11-62,
Penamaluru Post & Mandal, Vijayawada,
Krishna District.

... Petitioner

Vs.

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Medical & Health Family Welfare Department, Velagapudi, Guntur
District.
2. The Director of Medical Education, State of Andhra Pradesh,
Vijayawada, Old Government General Hospital, Krishna District.
3. The Principal, Government Dental College & Hospital, Vijayawada,
Krishna District – 520004.

... Respondents

! For the Petitioner : Mr. M. Surender Rao

^ For the Respondents : G.P. for Services (A.P)

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> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

HON'BLE SRI JUSTICE M. GANGA RAO

W.P.No.42712 of 2017

ORDER: (per VRS,J)

The petitioner has come up with the above Writ Petition challenging an order of the A.P. Administrative Tribunal dismissing the Original Application filed by the petitioner for the non-appearance of the counsel for the petitioner.

2. Heard Mr. M. Surender Rao, Learned Senior Counsel appearing for the petitioner. The learned Government Pleader for Services (A.P) takes notice for the respondent.

3. Under normal circumstances, the petitioner is obliged to file an application before the very same Tribunal seeking restoration of the Original Application, dismissed for non-prosecution. But we are unable to do so in view of certain averments made by the petitioner in Paragraphs 14 and 15 of the affidavit in support of the Writ Petition.

4. We do not wish to extract in our Order, the averments contained in Paragraphs 14 and 15 of the affidavit of the petitioner in support of the Writ Petition, since the same may cause embarrassment to the concerned persons. But nevertheless, it may not be possible for us in the light of such averments, to drive the petitioner back to the Tribunal to seek restoration. Therefore we prefer to set aside the order of the Tribunal and remand the matter back to the Tribunal for a consideration on merits.

5. But even after remand, we do not know whether it is possible for the Learned Counsel for the petitioner or the Learned Senior Counsel appearing for him, to prosecute the Original Application, in the event of

the Original Application getting listed before the Hon'ble Chairman. But this is a problem for which we have no ready-made solution.

6. The Learned Senior Counsel for the petitioner narrated to us his own tale of woes, but nevertheless conceded that the supervisory jurisdiction of this Court over the Administrative Tribunal, may not extend to the manner in which subject matters are allocated by the Hon'ble Chairman of the Tribunal between various benches including the bench presided over by him.

7. In *L.Chandra Kumar vs Union of India*¹, the Supreme Court made it clear that all the decisions of the Tribunals will be subject to the High Courts' Writ Jurisdiction under Articles 226 and 227. But it was indicated in paragraph 92 of the said decision that it was intended to be a judicial superintendence over the decisions of the Tribunals. The expressions "judicial superintendence" and "decisions of the Tribunals" are of significance.

8. As a matter of fact, the Supreme Court also indicated in paragraph 97 of its decision in *L. Chandra Kumar* that there was no authority charged with supervising and fulfilling the administrative requirements of the tribunal and that therefore tribunals may be made subject to the supervisory jurisdiction of the High Courts. The first few sentences in paragraph 97 of the decision in *L. Chandra Kumar* read as follows:

"It has been brought to our notice that one reason why these Tribunals have been functioning inefficiently is because there is no authority charged with supervising and fulfilling their administrative requirements. To this end, it is suggested that the Tribunals be made subject to the supervisory jurisdiction of the High Courts within whose territorial jurisdiction they fall. We are, however, of the view that this may not be the best way of solving

¹ AIR 1997 SC 1125

the problem. We do not think that our constitutional scheme requires that all adjudicatory bodies which fall within the territorial jurisdiction of the High Courts should be subject to their supervisory jurisdiction.”

9. Till date no mechanism has been evolved and hence we have no supervisory jurisdiction over the manner in which the Hon’ble Chairman of the Tribunal allocates matters to various benches. It has to be conceded that the Hon’ble Chairman is also the master of the roster in so far as the Tribunal is concerned. But the very fact that he enjoys such a privilege/power is good enough for him to be fair and judicious in his approach. Needless to mention that greater the power, the greater the responsibility. The learned senior counsel for the petitioner has expressed certain difficulties. We do not wish to record them here and put them in public domain. The learned counsel for the petitioner and the learned senior counsel appearing for him claim to have sacrificed almost about 100 cases. If the object was to see that the learned counsel and learned senior counsel are taught a lesson, (we hope it was not so) then that object would have certainly been achieved by now. Therefore it is time at least now to rise above personal equations or scores. After all it is only the government servants who hire the services of the counsel, who ultimately suffer in the cross fire. This is a consequence which is not only undesirable but also unintended.

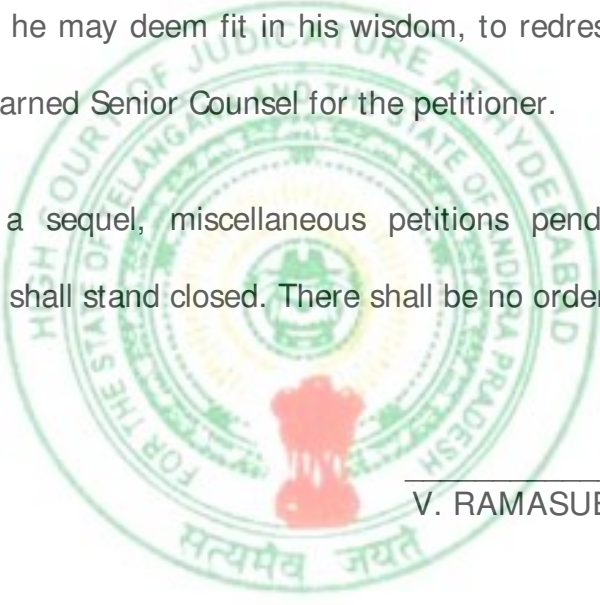
10. We know that the Hon’ble Chairman of the Administrative Tribunal is a person of great scholarship, wisdom, reputation and integrity and hence he will himself take appropriate steps to redress the grievance of the learned Senior Counsel for the petitioner and assuage the feelings of hurt and disdain. After all, human life is so short and probably what is shorter, is human memory. At the end of the day everything including, our likes, our hate, our pride etc., pale into insignificance. Therefore what is

important for everyone and more so for persons discharging judicial duties, is to ensure that there are no scars left behind.

11. Therefore the Writ Petition is allowed to the following effect:

- a. The order of the AP Administrative Tribunal dated 14.10.2016 passed in OA No. 2043 of 2013 and MA No. 3633 of 2013 is set aside and the matter remanded back to the tribunal for a consideration on merits.
- b. We request (not direct nor command), with all humility, the Hon'ble Chairman of the A.P. Administrative Tribunal to take appropriate steps as he may deem fit in his wisdom, to redress the grievances of the learned Senior Counsel for the petitioner.

12. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.



V. RAMASUBRAMANIAN, J.

M. GANGA RAO, J.

19th January, 2018
Js.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

W.P.No.42712 of 2017
(Per VRSJ)



19th January, 2018

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