

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND

THE HON'BLE SRI JUSTICE K. SARATH

Writ Petition No.23989 of 2012

ORDER : *(Per Hon'ble Justice Abhinand Kumar Shavili)*

This writ petition is filed challenging the order dated 30-03-2011 passed in O.A.No.8360 of 2011 on the file of Andhra Pradesh Administrative Tribunal, Hyderabad.

Heard learned Government Pleader for Services-I appearing for the petitioners and Sri C. Raghu, learned counsel appearing for the respondent.

Learned Government Pleader for Services-I appearing for the petitioners had contended that respondent No.1 was deputed to Jawahar Bal Bhavan, Hyderabad in the year 2008 from Vikarabad and she has applied leave on medical grounds and after recovering from illness, she has reported duty on 14-10-2010 but she was not permitted to join duty and when she was not allowed to join duty, she has filed

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O.A.No.9287 of 2010 and the said O.A. was disposed of vide orders dated 29-12-2010 directing the petitioners herein to pass appropriate orders on the representation submitted by respondent No.1 herein and the petitioners have finally passed orders on the representation of respondent No.1 for allowing her to join duty vide proceedings dated 04-02-2011 and respondent No.1 was repatriated to her parent department on 23-10-2010.

He had further contended that however there was a gap period from 23-08-2010 to 15-04-2011 and respondent No.1 has approached the Tribunal to treat the said gap period as compulsory wait and the Tribunal has allowed the O.A. without appreciating any of the contentions raised the petitioners, therefore, appropriate orders be passed in the writ petition by setting aside the said O.A.No.8360 of 2011.

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Learned counsel appearing for respondent No.1 had contended that the petitioners have not allowed respondent No.1 to attend duty after recovery from her illness. Only when O.A. was filed seeking permission to permit respondent No.1 to join duty, the petitioners have passed the orders on her application vide proceedings dated 04-02-2011 and finally respondent No.1 was repatriated to her parent department and consequently the gap period from 23-08-2010 to 15-04-2011 was not treated as on duty, therefore, the Tribunal was justified in allowing the O.A. in favour of respondent No.1 as admittedly the petitioners have not permitted respondent No.1 to join duty inspite of reporting duty, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the parties this Court is of the considered view that the

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Tribunal was justified in allowing the O.A. in favour of respondent No.1 as admittedly the petitioners have prevented her from joining duty, therefore, this Court is not inclined to interfere with the orders passed by the Tribunal and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

K. SARATH, J

September 01, 2022

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(Per Hon'ble Justice Abhinand Kumar Shavili)

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