

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10548 of 2005

Between:

Kunchala Subba Reddy S/o Nigi reddy,
R/o Gorantla Village, Guntur Rural Mandal, Guntur District

..... PETITIONER

AND

The Collector, (Panchayat Wing) Guntur, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction particularly in the nature of Mandamus or any other appropriate Writ, declaring the proceedings in Roc. No. 1269/2005-G4, dated 28-2-2005, and further proceedings in Roc. No. 1269/2004 G4 dated 25-4-2005 on the file of the respondent as illegal void and arbitrary and consequently set-a side the order in O.A. No.1135/2005, dated 30-3-2005 on the file of the Hon'ble APAT.

Counsel for the Petitioner: MR.V.R.AVULA

Counsel for the Respondent: GP FOR SERVICES II

The Court at the admission stage made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in OA.No.1135 of 2005, dated 30.3.2005.

2. The order of suspension dated 28.2.2005 was challenged by the petitioner before the Tribunal and the Tribunal disposed of the above OA with the following directions:

“Learned counsel for the applicant seeks to file a representation before the Collector, Guntur and the respondents may be directed to dispose of the representation as per law.

In view of the submission made by the learned counsel for the applicant, this OA is disposed of at the admission stage with a direction to the respondents to examine the representation to be filed by applicant and pass appropriate orders in accordance with law within four weeks from the date of receipt of a copy of this order”.

3. The learned counsel for the petitioner submits that no such submission was made before the Tribunal and therefore the order of the Tribunal is not sustainable.

4. We are unable to entertain such a plea. If the petitioner has not stated so before the Tribunal, it is open for him to file a review before the Tribunal, but he cannot file a Writ Petition. Under these circumstances, we do not find any illegality in the order of the Tribunal.

5. In the result, the Writ Petition is dismissed. No costs.

(G.BIKSHAPATHY, J.)

29th April, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector, (Panchayat Wing) Guntur, Guntur District.
2. The Registrar, A.P. Administrative Tribunal, Hyderabad.
3. 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)
4. 2 CD copies

*Form-NIC-OGS/WP{**TRT**}*