

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE GHULAM MOHAMMED
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6621 of 2009

Between:

- 1 The Director of State Audit, A.P., Hyderabad.
- 2 The Government of Andhra Pradesh, Rep. by its Principal Secretary, G.A.D. Department Secretariat, Hyderabad.
- 3 The Regional Deputy Director, State Audit, Zone-II, Eluru, West Godavari District.
- 4 The District Audit Officer, State Audit, Eluru, West Godavari District.

..... PETITIONERS

AND

D.S.S. Ganesh, O/o. District Audit Officer (State Audit Department), Temple Wing, Eluru, West Godavari 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 will be pleased to issue a Writ order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records relating to the orders of the Hon'ble A.P. Administrative Tribunal, Hyderabad passed in O.A.NO. 4826/2008 dated 09-09-2008 as being erroneous, illegal and unreasonable and quash the same.

Counsel for the Petitioner:GP FOR SERVICES II

Counsel for the Respondent: MR. E. AJAY REDDY.

The Court made the following :

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ORDER: (per GM, J)

This writ petition is filed seeking a writ of certiorari calling for the records relating to the common order dated 09.09.2008 passed in O.A.No.4826 of 2008 and batch by the Andhra Pradesh Administrative Tribunal, Hyderabad and for quashing the same.

2. O.A.No.4826 of 2008 was filed seeking to quash the Government Memo dated 05.06.2008 and its consequential proceedings dated 30.06.2008 of the Director of State Audit and set aside the same to the extent of repatriation of the petitioner from Zone-II to Zone-I. The Tribunal clubbed the said O.A. with the other O.As filed by the applicants therein, who were appointed on compassionate grounds, but the petitioner was appointed on the ground of medical invalidation of his father. The Tribunal, by common order dated 09.09.2008, allowed all the O.As and set aside the respective impugned orders to the extent of repatriating the applicants from the place of appointment, in view of G.O.Ms.No.70 dated 11.02.2008, according to which, the dependents of the Government employees can be considered for compassionate appointments at local area. Therefore, the said G.O., does not apply to the case of the petitioner as he was appointed on medical invalidation of his father and the Tribunal ought not to have clubbed the impugned O.A. along with the batch.

3. Accordingly, the Writ Petition is allowed and the impugned order in respect of the petitioner in O.A.No.4826 of 2008 is set aside. The matter is remanded to the Tribunal for fresh disposal in accordance with law. No costs.

GHULAM MOHAMMED, J

B.SESHASAYANA REDDY, J

Date:31.03.2009

sj