

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
W.P.No. 41360 OF 2014

ORDER: (*per Hon'ble Sri Justice Ramesh Ranganathan*)

This Writ Petition is preferred against the order of the Andhra Pradesh Administrative Tribunal at Hyderabad ("Tribunal" for short) in O.A.No. 7057 of 2014 dated 18-12-2014. By the said order, the Tribunal admitted the O.A. and issued notice to the respondents returnable in six weeks. The petitioner's case is that he is entitled for promotion as Superintending Engineer, despite which his case was not considered. Sri P.Kishore Rao, learned counsel for the petitioner, would submit that, since the petitioner would retire from service by the end of the year 2015, any delay in adjudication would deprive him of occupying the post of Superintending Engineer.

No order has been passed by the Tribunal necessitating interference by this Court under Article 226 of the Constitution of India. In the absence of any order being passed by the Tribunal, this Court would not, ordinarily exercise discretion, under Article 226 of the Constitution of India, to interfere as the Tribunal is the Court of first instance (***L.Chandra Kumar Vs. Union of India and others***^[1]). All that the Tribunal has done, by its order dated 18-12-2014, is to admit the O.A., and issue notice to the respondents returnable in six weeks. The six weeks period has since expired. It is always open to the petitioner herein to request the Tribunal to pass an *interim* order.

The Writ Petition as filed is wholly misconceived and is, accordingly, dismissed with exemplary costs of Rs.2,000/- (Rupees two thousand only) which the petitioner shall pay to the Visakhapatnam Urban Development

Authority within four weeks from today. Pending miscellaneous petitions, if any, in this Writ Petition shall stand dismissed in consequence. No order as to costs.

RAMESH RANGANATHAN, J.

M.SATYANARAYANA

MURTHY, J.

Date: 11th February, 2015.

JSK

[\[1\]](#) AIR 1997 SC 1125