

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

\*\*\*\*

**W.P. No.40970 of 2015**

Between:

P.Bramhaiah

...

Petitioner

And

The Deputy Director General (HQ-cum\_BD),  
Office of Special Director General (SR),  
'G' Wing, 1<sup>st</sup> Floor, Rajaji Bhawan,  
Chennai, Tamil Nadu and others.

...

Respondents

**JUDGMENT PRONOUNCED ON 21.12.2015**

-

-

-

-

**THE HON'BLE SRI JUSTICE G. CHANDRAIAH  
AND  
THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

1. Whether Reporters of Local newspapers  
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be  
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to  
see the fair copy of the Judgment? :

**THE HON'BLE SRI JUSTICE G. CHANDRAIAH  
AND**

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

**W.P. No.40970 of 2015**

**ORDER:** (Per the Hon'ble Sri GC, J)

This writ petition has been filed questioning the order sheet dated 04.12.2015 wherein directed to issue notice and to list O.A. No.1611 of 2015 immediately after four weeks under the caption "For Disposal at Admission stage".

The learned counsel appearing for the petitioner submitted that assailing the office order dated 30.11.2015 issued by the 1<sup>st</sup> respondent, wherein given effect of transfer and posting of the petitioner in place of the 5<sup>th</sup> respondent and vis-à-vis, O.A. No.1611 of 2015 was filed.

The main relief sought for in the said O.A. is to declare the office order dated 30.11.2015 is illegal and arbitrary. Along with the main prayer he also sought to grant interim relief that to suspend the operation of office order dated 30.11.2015, pending disposal of the O.A.

The learned counsel submitted that balance of convenience is in favour of the petitioner and the petitioner *prima facie*, made out his case for granting interim relief. Even in spite of that the learned Tribunal erroneously not granted the interim relief and only directed to issue notice. Therefore, the learned Tribunal failed to exercise its power vested under Section 19 of the Central Tribunal Act, 1985.

As could be seen, admittedly, office order dated 30.11.2015 was issued by the 1<sup>st</sup> respondent transferring the petitioner and the 5<sup>th</sup> respondent vis-à-vis. Aggrieved by the same, the petitioner filed the said O.A. wherein the learned Tribunal directed to issue notice and further directed to list the matter after four weeks under the caption for disposal at admission stage, without granting any relief.

The main grievance of the petitioner in the instant case is that though the petitioner made out his *prima facie* case the learned Tribunal failed to grant any relief. In this regard, we do not inclined to make any comments on

the merits of the case but however, we are of the view that it is basic principle to issue notice to the other side and after hearing the other side only, the Courts will pass appropriate orders, of-course, nothing prevented the Courts from passing interim orders when the Courts feel it appropriate, having regard to the facts and circumstances of the case. Since it is a matter of transfer and the learned Tribunal *prima facie*, felt that the nature of the *lis* between the parties can be resolved at the admission stage and also felt that the affected party would be the 5<sup>th</sup> respondent and therefore, ordered notice. In that view of the matter, we do not find any merit in the instant case.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is disposed of, at the threshold, with a liberty to the petitioner to make a mention before the learned Tribunal for taking up the matter by explaining the urgency, if so desired.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

---

JUSTICE G.CHANDRAIAH

---

JUSTICE U.DURGA PRASAD RAO

Date: 21.12.2015

LSK