

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.9273 of 2015

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

This Writ Petition is preferred by the applicants in O.A.No.021/00251 of 2015, against the order passed by the Tribunal dated 19.02.2015, issuing notice to the private respondents directing them to file their reply by four weeks, and in observing that any promotion, to the post of Loco Pilot (Passenger), will be subject to the final outcome of the O.A. The Tribunal has not passed any order on merits, by which the petitioners can be said to be aggrieved, justifying their invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Sri K.V.R.K.V.Prasad, learned counsel for the petitioners, would place reliance on **Vishnu Traders v. State of Haryana and others** in support of his submission that there must be uniformity even in grant of interim orders; and, while the Tribunal had passed interim orders in similar cases earlier, its failure to pass an interim order, in the present case, would justify invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

The order of the Tribunal dated 19.02.2015 is merely a notice issued to the respondents to file their reply to the O.A. While granting four weeks time to the respondents to file their reply, the Tribunal has observed that any promotion to the post of Loco Pilot (Passenger) would be subject to the outcome of the O.A. While uniformity, even in interim orders, is necessary as held by the Supreme Court, in **Vishnu**

Traders¹, the petitioners cannot claim, as of right, that, in each and every case, an *ex parte* interim order should be passed without hearing the respondents.

The Writ Petition as filed is wholly misconceived and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

02nd April, 2015.

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