

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 44773 of 2016

ORDER: (*Per VRS,J*)

The writ petition arises out of an interim order passed by the Andhra Pradesh Administrative Tribunal, directing the official respondents not to make promotions to the post of Principals of Government Junior Colleges.

2. Heard Mr. M. Surender Rao, learned senior counsel, appearing for the petitioners, who are third parties to the original application before the Tribunal. Mr. D. Bala Kishan Rao, learned counsel, takes notice for the respondents 1 and 2, who were the applicants before the Tribunal.

3. The main issue raised in the original application filed by the respondents 1 and 2 herein before the Tribunal is as to whether the persons, who were appointed as Junior Lecturers in Government Colleges from the post of Teachers in Zilla parishats, are entitled to be considered for promotion to the post of Principals or not. On the ground that the issue is already settled by the Supreme Court, the Tribunal, while ordering notice in the original application, passed an

ex parte interim order directing the official respondents not to make promotions to the post of Principals of Government Junior Colleges. Aggrieved by the said order, the petitioners are before us.

4. Irrespective of whether the Teachers in Zilla Parishats are entitled to be appointed as Junior Lecturers or not, and irrespective of whether the issue is settled or not, the fundamental principle, with regard to the grant of interim orders, is that all promotions cannot be stalled to a particular post, at the instance of a few individuals. In matters relating to promotions and seniority, the one and only interim order that could be passed, as we have been repeatedly saying, is to the effect that anything done during the pendency of an original application or a writ petition, will be subject to further orders. Stalling of promotions will neither do good to the applicants before the Tribunal nor do good to the administration. Therefore, the order of the Tribunal is liable to be set aside.

5. Mr. D. Bala Kishan Rao, learned counsel for the respondents 1 and 2, submitted that at least, the official respondents may be directed to grant promotions, on the basis of the decision of the Supreme Court. But, that would tantamount to adjudicating the matter at the stage of interim application itself. One of the reasons for multiplication of litigation is the detailed consideration of the issues at

the interlocutory stage and leaving nothing to survive at the final hearing stage.

6. Therefore, the Writ Petition is allowed and the order of the Tribunal is set aside.

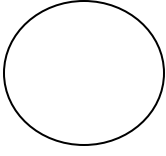
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

21st December, 2016
cbs





THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN ✓
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD



Writ Petition No. 44773 of 2016
(allowed)

21st December, 2016

cbs