

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.18515 of 2016

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16.06.2016

Between:

S.A.S.Reddy

..Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Home Department,
Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.G.V.Shivaji

Counsel for the respondents: Government Pleader for
Services (AP)

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Non-consideration of the petitioner's request for granting an interim order by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') – respondent No.5 is assailed in this writ petition.

2. The grievance of the petitioner, in short, is that having been asked to join the pre-promotional training for the post of Head Constable (Civil) scheduled to be commencing from 23.05.2016, through a radio message sent by respondent No.3 on 18.05.2016, he was not permitted to join the training, purportedly on the basis of G.O.Ms.No.1, Home (Legal II) Department, dated 07.01.2016.

3. Inasmuch as the Tribunal has not passed an order on the request for grant of interim relief, we are not inclined to express any opinion on the merits of the case. A perusal of the order passed by the Tribunal shows that it has ordered notice returnable in six weeks in O.A.No.1978 of 2016, while no reference to the interim relief sought by the petitioner has been made therein.

4. The learned counsel for the petitioner has submitted that no separate order is passed by the Tribunal on the request for granting interim order. In our opinion, when an interim relief is sought by a party before a Court or the Tribunal, which is vested with the power to grant interim reliefs, it is not only appropriate but also expedient for them to pass an interim order either granting or rejecting the interim relief sought before it. Non-passing of interim orders may render the cause itself infructuous and the object of the legislature in vesting the power in the adjudicatory bodies otiose.

5. Therefore, the Writ Petition is disposed of in the following terms:

The Tribunal shall consider the request of the petitioner for granting interim relief and pass appropriate order, after hearing both sides, within a period of two weeks from the date of receipt of a copy of this order.

6. As a sequel to disposal of the Writ Petition, W.P.M.P.No.22740 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

16th June, 2016
GHN

