

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.17169 of 2016

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Date: 03.06.2016

Between:

Dabilpura Ramulu

.. Petitioner

and

The State of Telangana
re. by its Pri.Secretary
Dept. of Planning,
Hyderabad and 7 others

.. Respondents

Counsel for the petitioner :

Mr.M.Srikanth

Counsel for respondent Nos.1 & 3:

GP for Services (TG)

**Counsel for respondent Nos.2 & 4:
(AP)**

GP for Services

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The Court made the following:

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

This Writ Petition is filed feeling aggrieved by non-granting of interim relief by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in OA.No.1811 of 2016.

At the hearing, Mr.M.Srikanth, learned Counsel for the petitioner, submitted, and the same is conceded by the learned Government Pleader, that this Court has disposed of the Writ Petitions filed raising issues identical to that raised in the present Writ Petition and that WP.No.5576 of 2016 is one such Writ Petition.

This Court by Order, dated 25-02-2016 passed in Writ Petition No.5576 of 2016 *inter alia* observed and gave directions as under:

“For disposal of this Writ Petition, the facts in detail need not be discussed. It will suffice to note that the petitioner has approached the Tribunal feeling aggrieved by his allotment to the State of Telangana under the Andhra Pradesh Re-Organization Act, 2014. Pending the O.A. filed by him, he has filed an interlocutory application seeking suspension of Order, dated 29.01.2016, impugned in the O.A. The Tribunal has passed the following

order:

“Admit. Notice to the respondents returnable in six weeks.

Final allocation of the applicant to the State of Telangana shall be subject to final result in this Original Application.”

It is trite that an applicant in a legal proceeding is entitled to consideration of his request for interim relief pending the main case. It is, therefore, obligatory on the part of the Courts or quasi-judicial bodies to consider such a request in the light of the settled parameters, viz., *prima facie* case, balance of convenience, irreparable injury and public interest.

A perusal of the order under challenge before us reveals that the Tribunal has not considered these parameters and declined the interim relief sought by the petitioner with the observation that allocation of the petitioner to the State of Telangana shall be subject to the final result in the O.A.

In our opinion, the Tribunal ought to have passed a speaking order upon considering the above-noted four parameters.

Therefore, we set aside the impugned order and remand the case to the Tribunal for fresh consideration and passing a speaking order, after hearing both sides, within two weeks from the date of receipt of a copy of this order.”

Mr.M.Srikanth, learned Counsel for the

petitioner, submitted that though his client has been relieved after filing of the Writ Petition, so far, he has not joined the duty.

Inasmuch as the petitioner was already relieved, we are not inclined to grant any direction at this stage. However, the Tribunal shall be free to pass appropriate interim relief based on the facts and circumstances of the case. Inasmuch as the issue raised in the present Writ Petition is identical to that raised in WP.No.5576 of 2016, the same is disposed of in terms of the above-mentioned order to the extent of direction to the Tribunal to pass a fresh order.

As a sequel to disposal of the Writ Petition, WPMP.No.21133 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 3rd June, 2016
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