

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.5585 of 2016

Date:25.02.2016

Between:

S.Vijaya Laxmi,
D/o Late Radha Krishna

....Petitioner

And:

The State of A.P., repled by its
Principal Secretary, School Education
Department, Hyderabad and
eight others.

.....Respondents

Counsel for the petitioner: Mr. P.Amarender

Counsel for Respondent Nos.1, 3, 4, 7 & 8: GP for Services
(AP)

Counsel for Respondent Nos.2 & 5: GP for Services (TS)

Counsel for Respondent No.6: Mr. B.Appa Rao
representing Mr. B.Narayana
Reddy

Assistant Solicitor General

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed against an interlocutory order, dated 05.02.2016, passed in OA.No.333 of 2016, by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

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.

As the learned Counsel for the petitioner apprehended that his client may be relieved any time, we hereby direct that the petitioner shall not be relieved at his present place of work till disposal of his interlocutory application by the Tribunal.

The Writ Petition is, accordingly, allowed to the extent indicated above.

As a sequel to dismissal of the Writ Petition, WPMP.No.7096 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*25th February, 2016
DR*