

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

and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.4391 of 2016

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Date: 16.02.2016

Between:

B.Subba Rayudu

.. Petitioner

and

The State Reorganization Dept.,

rep. by its Secretary

General Administration (SR) Dept.,

Hyderabad and 6 others.

.. Respondents

Counsel for the petitioner : Mr.D.Balakishan Rao

Counsel for respondent Nos.1 to 3: GP for Services (AP)

Counsel for respondent Nos.4 & 5: GP for Services (TS)

**Counsel for respondent No.6: Mr.B.Narayana Reddy,
Asst. Solicitor General**

The Court made the following:

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Order : (Per Hon'ble Sri CVNR, J)

This Writ Petition is filed against an interlocutory order passed, in OA.No.209 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 Andhra Pradesh under the Andhra Pradesh Reorganisation Act, 2014. Pending the OA filed by him, he has filed an interlocutory application seeking suspension of Order, dated 29-01-2016, impugned in the OA. 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 Andhra Pradesh 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 Andhra Pradesh shall be subject to the final result in the OA.

In our opinion, the Tribunal ought to have passed a speaking order upon considering the above-noted four elements. 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 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, WPMP.No.5622 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Dt: 16th February, 2016

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