

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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WRIT PETITION NO.26996 OF 2016

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ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

This writ petition is filed by the applicants in O.A.No.1711 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. They filed M.A.No.1032 of 2016 in the said O.A. seeking certain interim relief. However, by order dated 14.07.2016, the Tribunal dismissed the miscellaneous application as not maintainable on the ground that the O.A. was admitted and notices were ordered to the respondents. Aggrieved by this order, the applicants in the said miscellaneous application are before this Court.

Upon perusal of the relevant rules, this Court finds that the Tribunal completely lost sight of the provisions of Rules 8(2) and (3) of the Andhra Pradesh Administrative Tribunal (Procedure) Rules, 1989 (for brevity, 'the Rules of 1989'). Rule 8 deals with the contents of an application and Sub-rule (1) thereof stipulates that every application filed should set forth concisely under distinct heads the grounds, which should be numbered consecutively. It further states that every application, including any miscellaneous application, should be typed in double space on one side on thick paper of good quality. Sub-rules (2) and (3) of Rule 8 of the Rules of 1989 are relevant and are extracted hereunder:

'8. Contents of application:- (1)

(2) It shall not be necessary to present a separate application to seek, an interim order or direction if in original application the same is prayed for.

(3) An applicant may, subsequent to the filing of an application under Section 19 of the Act, apply for an interim order or direction. Such an application shall, as far as possible, be in Form III.'

The aforestated Sub-rules clearly manifest that it would not be necessary for an applicant to file a separate application for interim relief if the prayer for such relief forms part and parcel of the original application. However, after filing of the original application, if the applicant seeks further interim orders or directions, he would necessarily have to file a miscellaneous application which is required to be filed, as far as possible, in Form III. In that view of the matter, the understanding of the Tribunal that upon admission of the O.A., the applicant

is no longer at liberty to file a miscellaneous application for further interim relief is erroneous and opposed to the rules.

The order under challenge is accordingly set aside. M.A.No.1032 of 2016 in O.A.No.1711 of 2016 is restored. The matter is remitted to the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, for consideration of the miscellaneous application on its own merits and in accordance with law.

The writ petition is accordingly allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M.SEETHARAMA MURTI, J

12th AUGUST, 2016

PGS