

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN
(31.03.2016)

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.9796 of 2016

Between:

Dr.Kavuri Praful Chand

..... PETITIONER

AND

Union of India, Ministry of Personnel, P.G. & Pensions,
Department Personnel & Training, rep.by its Secretary,
New Delhi and 7 others

.....RESPONDENTS

Counsel for the Petitioner : **Mr.N.SUBBA RAO**

Counsel for Respondent Nos.1,3 & 4 : **G.P.for Services (A.P)**

The Court made the following:

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

WRIT PETITION No.9796 of 2016

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

The applicant in O.A.No.275 of 2016, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal") filed this writ petition, feeling aggrieved by non-granting of interim order by the Tribunal.

At the hearing, the learned Government Pleader for Services (A.P) has not disputed that in writ petitions filed against the orders, which are identical to the impugned order, this court has remanded the cases to the Tribunal for passing speaking orders on the interim relief claimed in the applications after hearing the parties afresh. One such order is dated 16.02.2016 in W.P.No.4359 of 2016, the relevant portion of which is as under:

"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 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."

Learned counsel for the petitioner submitted that his client has not been relieved so far from the State of Andhra Pradesh.

Following the order in W.P.No.4359 of 2016, dated 16.02.2016, as supra, this writ petition is disposed of with the direction that the reasons and observations contained therein shall form part of this order. The

respondents shall not relieve the petitioner till passing of a fresh order by the Tribunal on his interlocutory application. No order as to costs.

As a sequel to disposal of the Writ Petition, WPMP No.12381 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

Date: 31.03.2016

Dsr