

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

WRIT PETITION No.29936 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The petitioners are the unofficial respondents in O.A.No.5265 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A., along with a batch of similar O.As., is still pending consideration before the Tribunal. While so, aggrieved by the interim suspension granted therein, the petitioners herein filed M.A.No.2712 of 2015 in the said O.A. seeking a clarification/modification. The said M.A. is also pending before the Tribunal and final orders are yet to be passed therein.

This being the situation, we find no adjudicatory order passed by the Tribunal whereby a writ petition can be maintained before this Court in relation thereto. Without such adjudication in the first instance by the Tribunal constituted under the Administrative Tribunals Act, 1985, it would not be open to a Government servant whose service dispute is pending before such Tribunal to approach this Court by way of a writ petition (L. Chandra Kumar v. Union of India¹).

In that view of the matter, we are of the opinion that this writ petition is utterly misconceived and is therefore not maintainable. That being said, we are constrained to observe that the Tribunal must endeavour to expeditiously dispose of miscellaneous applications filed for interim relief and such applications should not be kept pending indefinitely. In the present case, the M.A. filed by the petitioners herein in the pending O.A. dates back to the year 2015 and the docket order filed

¹ (1997) 3 SCC 261

before us indicates that the said M.A. is being adjourned from time to time. We therefore request the Tribunal to expeditiously dispose of the said M.A. on merits and in accordance with law.

Subject to the above observations, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

6th September, 2016
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