

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

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND SIXTEEN
(17.03.2016)

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

WRIT PETITION No.8745 of 2016

Between:

Cheekatla Subba Rayudu

..... PETITIONER

AND

The State of Andhra Pradesh, rep.by its
Principal Secretary, Municipal Administration &
Urban Development Department,
Secretariat, Hyderabad and 2 others

.....RESPONDENTS

Counsel for the Petitioner **: Mr.S.KRISHNA SHARMA**

Counsel for Respondent Nos.1 & 2 **: 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.8745 of 2016

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

This writ petition is filed for a certiorari to quash the order, dated 09.03.2016, in O.A.No.784 of 2016, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal") and consequently direct the respondents to promote the petitioner as Executive Engineer with all consequential benefits.

A perusal of the record shows that the petitioner is working as Deputy Executive Engineer, Tirupathi Municipal Corporation. He was served with a charge memo, vide G.O.Rt.No.616, dated 24.09.2015 by respondent No.1, wherein the petitioner was informed that it was proposed to hold enquiry against him in respect of the alleged acts done by him as Municipal Engineer (FAC), Proddutur Municipality. Along with the said charge memo, draft articles of charges, containing 6 charges, was enclosed. The petitioner submitted his explanation. Thereafter, he has filed the above O.A. assailing the very charge memo itself. As interim relief, the petitioner sought for a direction to the respondents to promote him, pending the O.A. The Tribunal, by its order dated 09.03.2016, while admitting the O.A., declined to grant interim relief, with an observation that further promotions, if any, to the post of Executive Engineer, will be subject to final result in the original application.

Learned counsel for the petitioner submitted that the charges framed against the petitioner are vague and frivolous in nature, and that the petitioner cannot be denied promotion based on such charges. In our opinion, the Tribunal, being the primary Forum, has not exercised its discretion in favour of the petitioner for granting an interim order. Therefore, exercising power of judicial review, this Court is not inclined to examine the merits of the charges for the purpose of granting interim relief to the petitioner, claimed before the Tribunal.

In this view of the matter, we do not find any merit in this writ petition, and the same is accordingly dismissed. No order as to costs.

As a sequel to dismissal of the Writ Petition, WPMP No.11080 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: 17.03.2016

Dsr