

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.33006 of 2015

Order: (per V.Ramasubramanian, J.)

This writ petition has been filed challenging an order of the Andhra Pradesh Administrative Tribunal, Hyderabad, vacating an *ex parte* interim order granted earlier.

2. Heard Mr. J.Sudheer, learned counsel for the petitioners.

3. Challenging a Seniority List dated 17-4-2014, the petitioners filed an application in O.A.No.3233 of 2014. While admitting the application, the Tribunal passed an *ex parte* interim order, which can be extracted usefully as follows:

“Heard both sides. Perused the material papers placed on record.

2. Admit. Issue notice to the respondents returnable in three weeks. Respondents to file counter in the meanwhile.

INTERIM RELIEF

Pending disposal of the OA, the respondents are directed not to take any action including reversion/promotion based upon the impugned proceedings No.293/ADB/1/2014, dt.17.4.2014 issued by the 1st respondent till further orders.”

4. Subsequently, an application for vacating the aforesaid interim order was filed, by the Andhra Pradesh Public Service Commission. The said application in V.M.A. No.867 of 2014 was allowed by the Tribunal on 28-9-2015. By the said order, interim stay earlier granted was vacated and the Tribunal observed that any promotions made based upon the impugned Seniority List will be subject to the final orders in the O.A.

5. Aggrieved by the aforesaid order, the petitioners who are the applicants before the Tribunal, have come up with the present writ petition.

6. At the outset, it should be pointed out that the original interim order granted on 05-6-2014 which we have extracted above, is actually contrary to the decisions of the Supreme Court. In a matter relating to promotion and seniority, the only interim order that could be passed is to observe that any promotion will be subject to the result of the main application.

7. What the Tribunal has done by the order impugned in this writ petition is to rectify the mistake it committed on 05-6-2014. Therefore, the order does not call for any interference.

8. However, since the original application is of the year 2014, the Tribunal is requested to dispose it of within a period of 2 (two) months since the pleadings are also completed. Accordingly, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

G.SHYAM PRASAD, J.

16th November, 2016.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
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Writ Petition No.33006 of 2015
(per VRS, J.)



16th November, 2016.
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