

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1242 of 2016

JUDGMENT: (*Per VRS,J*)

Aggrieved by his non-promotion to the post of Municipal Commissioner Grade-III, the appellant filed a writ petition and sought an interim direction. Since the prayer in the main writ petition and the prayer in the miscellaneous petition are one and same, the learned single Judge refused to grant an interim direction, except to the following effect:

“Heard.

Any promotions made to the post of Municipal Commissioner Gr.III shall be subject to the result of this writ petition.”

Aggrieved by the refusal to grant an interim direction, the writ petitioner has come up with the present appeal.

2. Heard Mr. P. Raghavender Reddy, learned counsel for the appellant.

3. As we have repeatedly pointed out, in a matter relating to promotion, the one and only interim order that could be passed by a

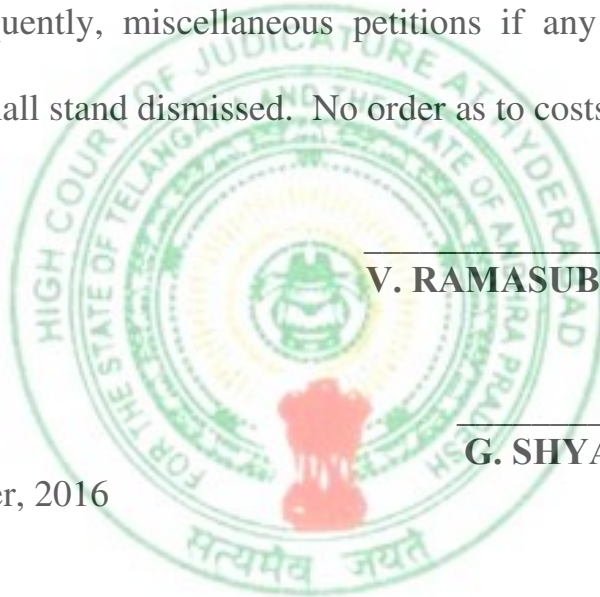
Court is the order that the learned single Judge has passed. Granting an interim direction as prayed for pending a writ petition, would tantamount to allowing the writ petition provisionally. Therefore, the writ appeal is devoid of merits. Hence, it is dismissed. However, since the disciplinary proceedings are held against the appellant, the respondents may dispose of the disciplinary proceedings, within a period of three (3) months. It is needless to observe that any promotion will be subject to the result of the writ petition.

Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

18th November, 2016
cbs





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