

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD
WRIT PETITION Nos.19097 & 19106 of 2016

Date:16.6.2016
WRIT PETITION No.19097 of 2016

Between:

O.Prameela,
D/o Penchalaiah

.....Petitioner

And:

State of A.P., repled by its Principal
Secretary, School Education Department,
Hyderabad and eight others.

....Respondents

WRIT PETITION No.19106 of 2016

Between:

S.Vijaya Laxmi,
D/o Late Radha Krishna

.....Petitioner

And:

State of A.P., repled by its Principal
Secretary, School Education Department,
Hyderabad and eight others.

....Respondents

Counsel for the petitioners: P.Amarender

Counsel for Respondent Nos.1, 3, 4, 7 to 9: GP for
Services (AP)

Counsel for Respondent Nos.2 to 5: GP for Services (TS)

Counsel for Respondent No.6: Mr. B.Narayana Reddy
Assistant Solicitor General

The Court made the following:

COMMON ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

These Writ Petitions are filed aggrieved by order,

dated 06.6.2016, in Original Application Nos.333 and 339 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

After remand from this Court, with reference to the observations made in its order, dated 25.02.2016, in Writ Petition No.5576 of 2016, that while denying interim relief no reasons were given by the learned Tribunal, in the impugned order, it has sought to justify non-giving of reasons by drawing a parallel to the practice being followed by this Court in the Writ Petitions.

It is true that while not granting *ex parte* interim orders, this Court as a general practice may not assign reasons. But, whenever the request for interim order is declined, it is obligatory on the part of every adjudicatory body (This Court and the tribunal are not exceptions to it) to assign proper reasons therefor. It is implicit in the order, dated 29.01.2016, passed by the learned Tribunal in the afore-noted O.As., to the effect that final allocation of the applicants to the State of Telangana shall be subject to the final result in the O.As. that it has declined interim relief to the applicants till disposal of the O.As. Therefore, when interim relief was denied pending the O.As., the learned Tribunal was bound to give reasons therefor on the four parameters referred to by us in our orders, dated 25.02.2016, in Writ Petition Nos.5576 of 2016 and 5585 of 2016.

Hence, we are in complete disagreement with the reasoning of the Tribunal made in the impugned order. Further, the observations of the learned Tribunal that in spite of there being no *prima facie* case, it has admitted the O.As., suggest that instead of dismissing the O.As., it has admitted the same. If the Tribunal has felt that there was no *prima facie* case in the O.As, it had no

option other than dismissing the same. Admission of O.As by the Tribunal, therefore, implies that it was satisfied with existence of *prima facie* case.

Considering the fact that the petitioners are continuing as Assistant Directors in the state of Andhra Pradesh under the directions of this Court granted in the previous Writ Petitions, we are of the opinion that their discontinuance from the posts they are presently holding would cause serious injury to their interests. Hence, we find the elements of balance of convenience and irreparable injury in favour of the petitioners for their continuance in the aforementioned posts in the State of Andhra Pradesh. Accordingly, the Writ Petitions are allowed and the respondents are directed to continue the petitioners as Assistant Directors in the state of Andhra Pradesh, pending disposal of the O.As.

The Writ Petitions are, accordingly, allowed to the above extent.

As a sequel to disposal of the Writ Petitions, WPMP.Nos.23427 and 23437 of 2016 filed by the petitioners for interim relief are disposed of as infructuous.

JUSTICE C.V.NAGARJUNA
REDDY

JUSTICE G.SHYAM PRASAD

16th June 2016
DR