

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.26230 of 2016

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ORDER: (per SK, J)

The prayer of the petitioner in this case is as under:

“For the reason stated in the accompanying affidavit, the Petitioner are herein prays that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in suspending the petitioner by his proceedings Rc.A4/275/FTS/2014, dated 31.10.2014 is illegal, arbitrary and violation of principles of natural justice, consequently set aside the same, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that the petitioner approached the Andhra Pradesh Administrative Tribunal, Hyderabad, by way of O.A.No.326 of 2015 assailing the proceedings dated 31.10.2014 whereby he was placed under suspension pending enquiry. Having filed the said O.A. in January, 2015, the petitioner chose to approach this Court by way of the present Writ Petition assailing the self-same proceedings dated 31.10.2014. There is no adjudication by the Tribunal, be it at the interlocutory or the final stage, with regard to these proceedings.

In the light of the law laid down by the Supreme Court in

L. Chandra Kumar v. Union of India^[1], it is not open to the petitioner to invoke the extraordinary writ jurisdiction of this Court in the first instance without there being an adjudication by the Tribunal under the Administrative Tribunals Act, 1985. In the present case, admittedly, there is no such adjudication whereby the petitioner could maintain this Writ Petition.

The Writ Petition is therefore utterly misconceived and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No costs.

SANJAY KUMAR, J

5th AUGUST, 2016.

B.SIVA SANKARA RAO, J

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^[1] (1997) 3 SCC 261