

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 41587 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the order of the Tribunal dismissing an application for interim prayer, the petitioner has come up with the present writ petition.

2. Heard Mr. Karanam Ramesh, learned counsel for the petitioner.

3. The petitioner filed an original application in O.A.No.3281 of 2015 on the file of the A. P. Administrative Tribunal, seeking a direction to promote him to the post of Inspector of Survey with effect from 04.08.2010 and also to direct the respondents to protect the seniority with effect from 04.08.2010. The said original application is now pending.

4. During the pendency of the original application, it appears that a panel was drawn for promotion to the post of Assistant Director. Therefore, the petitioner took out a miscellaneous application in M.A.No.1149 of 2016. The prayer made in the miscellaneous application was for a direction to include his name in the panel for promotion to the post of Assistant Director by reckoning his seniority

in the category of Inspector of Survey with effect from the date of eligibility. The Tribunal dismissed the miscellaneous application as beyond the scope of the prayer made in the original application. Hence, the petitioner is before us.

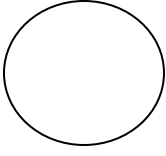
5. There are two reasons as to why the order of the Tribunal cannot be interfered with. The first is that the question of granting an interim direction in a matter relating to promotion would not arise. The second is that the interim direction that the petitioner sought, could be granted to him only in the event of his success in the main original application. Unless his prayer for protection of seniority in the category of Inspector of Survey with effect from 04.08.2000 is granted in the main application, the question of granting him promotion to the next higher category of Assistant Director does not arise. Hence, the writ petition is devoid of merits. Therefore, it is dismissed.

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

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

30th November, 2016
cbs



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