

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.4139 of 2017

ORDER: (Per Justice Sanjay Kumar)

This writ petition is sought to be maintained by the applicant in O.A.No.224 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, aggrieved by denial of interim relief therein.

However, Sri P.V.S.S.S. Rama Rao, learned counsel for the petitioner, would fairly state that the Tribunal merely ordered notice in the O.A. and did not, in fact, deny interim relief to the petitioner in clear terms.

In the light of the law laid down by the Supreme Court in L. Chandra Kumar v. Union of India¹, unless there is some adjudication by the Tribunal in the first instance, it is not open to a Government servant to take recourse to writ proceedings before this Court. Mere ordering of notice in the O.A. does not demonstrate any adjudication by the Tribunal whereby the applicant in the O.A. can approach this Court.

We therefore dismiss the writ petition granting liberty to the petitioner to move the Tribunal for expeditious disposal in so far as his prayer for interim relief is concerned.

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

SANJAY KUMAR, J

N. BALAYOGI, J

7th February, 2017.

Note:-
Issue CC in three days.
B/o
IBL

¹ (1997) 3 SCC 261