

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

WRIT PETITION No.13320 of 2017

ORDER: (Per Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.638 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. He is aggrieved by the denial of interim relief therein by the Tribunal.

Perusal of the order dated 10.03.2017 passed by the Tribunal in the said O.A. reflects that the O.A. was admitted and notices were directed to be issued to the respondents returnable in six weeks. In effect, there was no adjudication by the Tribunal as to the prayer for interim relief. It cannot therefore be said that the Tribunal denied interim relief to the petitioner.

In the light of the law laid down by the Supreme Court in L. Chandra Kumar v. Union of India¹, the Tribunal is the Court of the first instance in so far as service disputes relating to the State Government employees are concerned and unless there is application of mind by the Tribunal, be it at the interlocutory or the final stage, an aggrieved party cannot approach this Court by way of a writ petition filed under Article 226 of the Constitution. An order admitting the O.A. and directing notice to be issued to the respondents does not qualify for this purpose.

The writ petition is therefore utterly misconceived and is accordingly dismissed. This order shall however not preclude the petitioner from moving the Tribunal for appropriate interim relief. We are certain that the Tribunal would expeditiously consider any such prayer for

¹ (1997) 3 SCC 261

interim relief pending disposal of the O.A. on its own merits and pass appropriate orders thereon.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

17th April, 2017
IBL

