

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No. 1302 OF 2017

DATED 08TH SEPTEMBER, 2017

Between:

The Zilla Parishad, Ranga Reddy,
Rep. by its Chief Executive Officer

... Appellant

AND

Md. Myfoose and others

... Respondents

Counsel for the appellant

:

Sri G.Narender Reddy

Counsel for respondent No. 1

:

Sri Ch.Ganesh

Counsel for respondent Nos. 2 & 3

:

G.P. for Services (T.S.)



THE COURT MADE THE FOLLOWING

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

This Writ Appeal is filed against an *ad interim* order, whereby a learned single has directed payment of salary admissible to fulltime sweeper to respondent No. 1- writ petitioner with effect from 12-03-2001 and also to continue to pay the same pending the Writ Petition.

2. A perusal of the said order shows that the learned single judge, while granting time to learned Government Pleader for Services and also to learned standing counsel for the appellant, granted the above relief. From the perusal of the record, it is evident that respondent No. 1 filed the Writ Petition for the same relief which has been claimed as an *interim* relief. In our opinion, whenever an application for an *interim* relief is filed, Court considers granting of such relief with reference to pleadings of both parties and after hearing the parties concerned. When the right of respondent No. 1 to grant the relief claimed in the Writ Petition itself is yet to be adjudicated, grant of such relief by way of an *ad interim* order without considering the pleadings of the respondents cannot be sustained.

3. In this view of the matter, the *ad interim* order of the learned single judge is set aside. Respondent No. 1 is entitled to pursue W.P.M.P.No. 24894 of 2017 before the learned single judge. The Writ Petition is accordingly allowed.

4. As a sequel to disposal of the Writ Appeal, W.A.M.P.No. 2379 of 2017 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 08-09-2017.

JSK

GUDISEVA SHYAM PRASAD, J.