

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.16494 of 2015

Between:

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Education Department, Secretariat, Hyderabad-22, and others.

PETITIONERS

And

1. V. Srinivasulu Reddy, S/o. Kasireddy, S.G. Teacher, M.P.
Elementary School, Tribal Colony, Issappalem, Narasaraopet
Mandal, Guntur District, (Under orders of Transfer to MPPS,
Indragiri, Rompacherla Mandal), and another.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The Government of Andhra Pradesh has come up with the present writ petition challenging the order of the A.P. Administrative Tribunal, whereby the Tribunal merely closed the application of the 1st respondent on the ground that no orders need be passed.

2. Heard the learned Government Pleader for Services (A.P.) and Mr. Kunareddi Anji Reddy, learned counsel appearing for the 1st respondent.

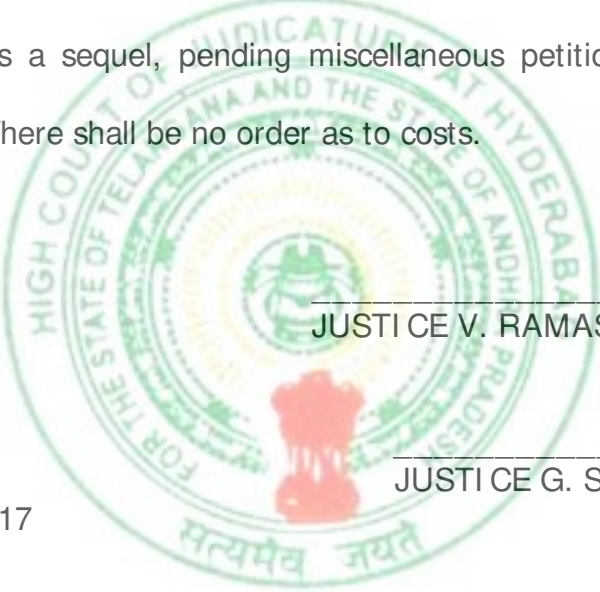
3. It appears that the 1st respondent filed an Original Application in O.A.No.7344 of 2005 on the file of the A.P. Administrative Tribunal, seeking continuance in the same place where he was employed. At the time of admission of the Original Application on 11.11.2005, the 1st respondent appears to have secured an interim order of status quo. Subsequently, he also secured an order in M.A.No.1073 of 2006. However, eventually the O.A was closed without granting any benefit to the 1st respondent. The operative portion of the order of the Tribunal reads as follows:

“Recently another transfer counselling took place during the year 2009. There is also no representation on behalf of the applicant to know as to whether he has been transferred or not in the said counselling. As the applicant was continued for a period of four years from the date of filing of the O.A., and as there is no representation to know that he was transferred before the period prescribed for Office Bearer, no further orders need be passed in this O.A. Hence the O.A., is closed.”

4. In the light of the fact that no relief was granted to the 1st respondent by the A.P. Administrative Tribunal in the final order, there is

no cause of action for the Government to come up with the above writ petition. But according to the learned Government Pleader, the cause of action is a contempt petition filed by the 1st respondent as against the interim order. But the law is well settled that the orders passed at the interlocutory stage will merge with the final orders passed. Since there is no final order in favour of the 1st respondent, the interim orders granted in favour of the respondent got dissolved. Therefore the State cannot be aggrieved by the interim orders, since the 1st respondent failed to secure any specific direction from the Tribunal at the time of disposal of the main application. Therefore, the writ petition is dismissed.

5. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.



JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

5th January, 2017
Js.

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Date: 05-01-2017

Js.