

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

WRIT PETITION No.15449 of 2017

O R D E R

(Per Justice Sanjay Kumar)

This writ petition is filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ of mandamus or any other appropriate writ order or orders by declaring the action of the 5th Respondent in dismissing the O.A. No.4532 of 2016 by directing the petitioner to approach the 1st respondent to file an appeal and the same is pending consideration and issued G.O. Rt 236 dated 03.04.2017 by granting promotion to the 4th Respondent which is illegally arbitrary and violative of principles of natural justice and consequently direct set aside the G.O. Rt No 236 dated 03.04.2017 and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.’

It is an admitted fact that G.O.Rt.No.236 dated 03.04.2017 whereby the fourth respondent was promoted as an Executive Engineer has not been subjected to challenge before the Andhra Pradesh Administrative Tribunal, Hyderabad.

In terms of the law laid down by the Supreme Court in ***L.CHANDRA KUMAR V/s. UNION OF INDIA***¹, the Tribunal is the Court of the first instance and it is only after adjudication by the Tribunal, be it at the interlocutory or at the final stage, that the party aggrieved thereby can move this Court by way of a writ petition filed under Article 226 of the Constitution.

¹ (1997) 3 SCC 261

The writ petition is therefore utterly misconceived and is accordingly dismissed on this short ground. The petitioner is at liberty to avail appropriate remedies in accordance with law.

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

SANJAY KUMAR, J

N. BALAYOGI, J

27TH APRIL, 2017
PGS/MSNR

