

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.12944 of 2017

ORDER: (Per Justice Sanjay Kumar)

The petitioners are amongst the applicants in O.A.No.4345 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By order dated 18.01.2017, the Tribunal admitted the O.A. and directed the respondents to file their counter. Aggrieved by this order, three out of the 87 applicants in the said O.A. filed this writ petition.

We are however not inclined to entertain this writ petition. In terms 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 and it is only after the Tribunal passes an order, be it at the interlocutory or the final stage, that a party aggrieved thereby can approach this Court by way of a writ petition under Article 226 of the Constitution. Mere admission of the O.A. and inviting of a counter from the respondents does not reflect any application of mind by the Tribunal to the effect that interim relief was denied to the petitioners.

The writ petition is therefore dismissed on this short ground. It is left open to the petitioners to renew their request before the Tribunal for interim relief pending disposal of the O.A. We are certain that in the event such a request is made, the Tribunal would consider the same in accordance with law.

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

SANJAY KUMAR, J

GUDI SEVA SHYAM PRASAD, J

12th April, 2017
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¹ (1997) 3 SCC 261