

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

WRIT PETITION No.24044 of 2013

ORDER: (per SK,J)

By order dated 03.10.2012, the Andhra Pradesh Administrative Tribunal, Hyderabad, allowed O.A.No.5186 of 2010 filed by the first respondent herein, set aside the Charge Memo dated 07.02.2009 and directed the authorities to consider his case for promotion to the post of Administrative Officer. Aggrieved thereby, the State of Andhra Pradesh and its transport authorities filed this writ petition.

By order dated 16.08.2013, this Court granted interim suspension of the order passed by the Tribunal which was under challenge but observed that in the event the first respondent was already promoted to a higher post, he should be continued in the said post during the pendency of the proceedings. It is therefore clear that by virtue of the interim order granted by this Court, the Charge Memo dated 07.02.2009 and the consequential disciplinary proceedings against the petitioner stood revived.

It is now brought to our notice that upon conclusion of the said disciplinary proceedings, the Government of Andhra Pradesh issued G.O.Rt.No.175, Transport, Roads and Buildings (VIG.TR.) Department, dated 31.03.2016, imposing upon the first respondent the minor penalty of censure.

Though Sri K.S.V.Subba Rao, learned counsel for the first respondent, would state that his client was promoted to a higher post and was continued in the said post by virtue of the interim order, we are of the opinion that the interim order only protected his continuance in the

said post till the completion of the disciplinary proceedings. In the event the petitioner has any grievance with the subsequent development in the form of G.O.Rt.No.175 dated 31.03.2016, whereby he was visited with the minor punishment of censure, he would necessarily have to avail appropriate remedies before the proper forum in accordance with law.

Reserving liberty to the petitioner to do so, the writ petition is closed. As the writ petition is closed owing to later developments by virtue of the interim order granted herein, we make it clear that all issues are left open.

Interim order dated 16.08.2013 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.



JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:06.02.2017

GJ