

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

WRIT PETITION No.14890 of 2017

ORDER: (Per Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.834 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

Sri A. Sanjeev Kumar, learned counsel representing Sri Gaddam Srinivas, learned counsel for the petitioner, would contend that the Tribunal refused interim relief to the petitioner constraining her to approach this Court by way of the present writ petition. He would however concede that there was no refusal in clear terms as the Tribunal merely passed an order admitting the O.A. and directing notice to be issued to the respondents therein.

We are of the opinion that such an order cannot be taken to mean refusal of interim relief. It would only indicate that the Tribunal was of the opinion that the authorities should be heard before further consideration of the prayer of the applicant in the O.A. for grant of interim relief pending disposal of the O.A.

In the light of the law laid down by the Supreme Court in *L. Chandra Kumar v. Union of India*¹, the Tribunal is the Court of the first instance in so far as service disputes relating to the State Government employees are concerned and unless there is application of mind by the Tribunal, be it at the interlocutory or at the final stage, an aggrieved party cannot approach this Court by way of a writ petition filed under Article 226 of the Constitution. An order admitting the O.A. and

¹ (1997) 3 SCC 261

directing notice to be issued to the respondents does not qualify for this purpose.

We therefore dismiss the writ petition leaving it open to the petitioner to move the Tribunal for consideration of her prayer for interim relief pending disposal of the O.A., after service of notice upon the respondents. We are certain that in the event such a move is made by the petitioner, the Tribunal would consider her prayer for interim relief pending disposal of the O.A. on its own merits and in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

27th April, 2017
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SANJAY KUMAR, J

N. BALAYOGI, J