

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

WRIT PETITION No. 13263 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

Though Sri M. Ramgopal Rao, learned counsel for the petitioner, would state that despite the urgency in considering the plea of the petitioner for interim relief pending disposal of the O.A., O.A.No.904 of 2017, the Tribunal did not choose to address the said aspect.

This Court had an occasion to observe in W.P.No.2195 of 2017 *vide* order dated 17.03.2017 that the Tribunal must give due regard to the prayer for interim relief pending disposal of the O.A. as ignoring such a plea for interim relief at the apposite stage may result in not only gross injustice but also render the case itself infructuous.

That being one aspect of the matter, the law laid down by the Supreme Court in *L. Chandra Kumar v. Union of India*¹ requires the Tribunal, being the Court of first instance to address the issue by application of mind, be it at the interlocutory stage or at the final stage, before the aggrieved party can approach this Court by way of a writ petition under Article 226 of the Constitution.

Learned counsel fairly states that the Tribunal merely admitted the O.A and ordered notice.

That being so, it is for the petitioner to move the Tribunal for consideration of his prayer for interim relief pending disposal of the O.A. We are certain in the event such a move is made the Tribunal would consider such prayer on its own merits and pass appropriate orders.

Leaving it open to the petitioner to do so, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 13.04.2017

N. BALAYOGI, J

Note: Issue CC in two days
B/o
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¹ (1997) 3 SCC 261