

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

WRIT PETITION No. 13943 of 2017

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

The petitioner is the applicant in O.A.No.350 of 2016 on the file of the Central Administrative Tribunal, Hyderabad.

Perusal of the docket proceedings in the said O.A. reflects that the Tribunal took up the matter on 07.04.2016 for consideration of the petitioner's prayer for interim relief but observed that it would be appropriate to consider the reply to be filed by the respondents before passing an interim order in the O.A. The matter was thereafter adjourned from time to time and final arguments seem to have been heard leading to orders being reserved in the O.A. itself on 03.08.2016. However, the case was reopened on 21.09.2016 and again listed for final hearing. The docket proceedings reflect that the O.A. was adjourned from time to time thereafter and on 31.03.2017, the Tribunal recorded that the Advocates were on boycott and directed the O.A. to be listed on 04.05.2017.

Sri K.R.K.V. Prasad, learned counsel for the petitioner, would contend that this was a fit case for the Tribunal to have granted interim relief but, despite finding in favour of the petitioner in its order dated 07.04.2016, the Tribunal deemed it appropriate to pass final orders in the O.A. and reserved orders therein on 03.08.2016. However, as the matter was reopened thereafter, the case is only being taken up for final hearing brushing aside the prayer for interim relief. He would therefore contend that this is a fit case for this Court to grant relief to the petitioner.

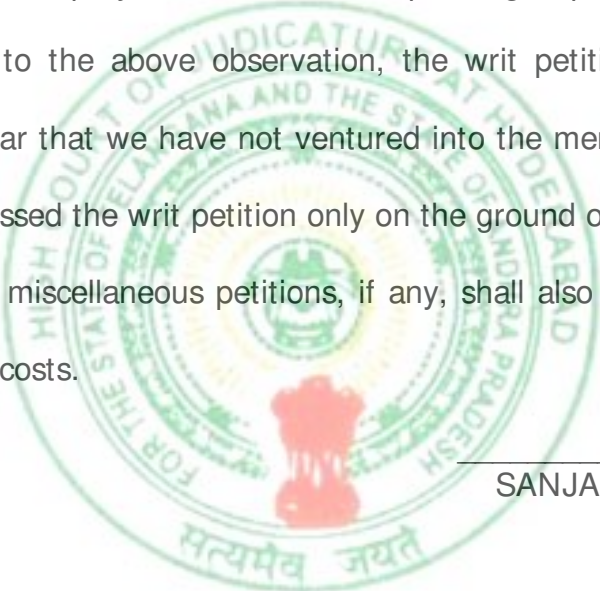
We are not persuaded to agree with this submission. In the light of the law laid by the Supreme Court in *L. Chandra Kumar v. Union of*

*India*¹, the Tribunal is the Court of first instance to deal with service disputes of Central Government Employees. It is only after adjudication by the Tribunal, be it at the interlocutory or at the final stage, that an aggrieved party can approach this Court by way of a writ petition under Article 226 of the Constitution.

In the present case, the admitted facts reflect that there was no adjudication by the Tribunal, be it at the interlocutory or at the final stage of the O.A. We therefore see no ground to entertain this writ petition. However, the petitioner is granted liberty to move the Tribunal for consideration of his prayer for interim relief pending disposal of the O.A.

Subject to the above observation, the writ petition is dismissed. We make it clear that we have not ventured into the merits of the matter and have dismissed the writ petition only on the ground of maintainability.

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



SANJAY KUMAR, J

N. BALAYOGI, J

Date: 19.04.2017
 Note: Furnish CC in two days
 B/o
 va

¹ (1997) 3 SCC 261