

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.13248 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners have assailed the order dated 1st March 2016, passed in O.A.No.3012 of 2015, whereby, the petitioners herein are directed to consider the case of 1st respondent for compassionate appointment on the death of his mother, without reference to the fact that his father is a pensioner, and pass appropriate orders within a period of Eight weeks from the date of receipt of the copy of the order.

2. We note, the 1st respondent filed application under Section 19 of the Administrative Tribunals Act, 1985, praying to declare the proceedings Rc.No.A4/162/2013, dated 11.07.2013, issued by 1st petitioner and the Circular Memo No.3548/Ser.G/A2/2010-8 GAD (SW-1), dated 24.03.2012, issued by the 3rd petitioner, as illegal, arbitrary and against the order dated 21.12.2010, passed by the Tribunal in O.A.No.5977 of 2008.

3. The crux of the O.A. before the Tribunal is that the 1st respondent herein has prayed to quash the Memos mentioned above and issue directions for his compassionate appointment on the death of his mother, without reference to the fact that his father is a pensioner. The main relief sought has already been granted by the Tribunal in interim application, which is against the settled preposition of law.

4. In the case of **R.Manjula & another v. Principal Secretary to Government, Revenue (Services-I) Department, Hyderabad & another**¹, this Court held in Para 33 that this Court would not interfere with such discretion exercised by Tribunal with regard to the interlocutory orders unless it is established that passing of such interlocutory order or refusal thereof had resulted in an irreversible situation resulting in manifest injustice.

5. In the present case, without hearing the O.A. filed by the 1st respondent on merits, the learned Tribunal has granted the main relief as sought in the O.A.

6. In view of above, we hereby set aside the order dated 1st March 2016. Let the Tribunal adjudicate the O.A. on merits.

7. It is stated by the counsel for the 1st respondent that till date, the respondents in the O.A. have not filed counter affidavits. As the O.A. was filed in 2015, in the interest of justice, we hereby direct the respondents in the O.A. to file counter affidavits before the Tribunal within three weeks from the date of receipt of this order. Thereafter, the Tribunal shall expedite the hearing of O.A.

8. The writ petition is disposed of accordingly. No order as to costs.
Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

5th July 2017
ajr

¹ 2002 (3) ALD 648 (DB)