

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

WRIT PETITION No. 12529 of 2017

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

This writ petition was filed by the applicant in O.A.No.454 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, aggrieved by the order dated 20.03.2017 passed therein, whereby the Tribunal refused to continue the interim order granted earlier on 23.02.2017. By the said interim order, the Tribunal had directed the authorities to reserve one post of Office Superintendent till 17.03.2017.

The issue raised in the O.A. relates to the seniority dispute between the petitioner and the third respondent. The O.A. is still pending adjudication before the Tribunal. That being so, it would be wholly premature for this Court to venture into the merits of this matter.

The only aspect that arises for consideration is whether the petitioner is entitled to continuance of the interim order granted in the O.A.

As the dispute between the petitioner and the third respondent is as to who between them is senior in the cadre of Senior Assistant, there is no purpose served in directing the authorities to keep one post of Office Superintendent vacant till the resolution of such dispute. In the event, the petitioner succeeds in the O.A., and in the meanwhile, the third respondent is promoted, the same would have to be undone by the authorities in terms of the directions ultimately passed by the Tribunal.

The writ petition is accordingly disposed of holding that any action taken by the authorities would abide by the final result in the O.A.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 10.04.2017

SANJAY KUMAR, J

N. BALAYOGI, J

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