

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.30703 of 2017

12.09.2017

Between:

M.Niranjan

..Petitioner

and

Union of India,
represented by its Secretary,
Indian Council of Agricultural Research,
New Delhi and others

..Respondents

Counsel for the petitioner: Mr.K.Sudhaker Reddy

Counsel for the respondents: Mr.K.Lakshman, Assistant Solicitor General

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The applicant in O.A.No.703 of 2017 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short 'the Tribunal') filed this writ petition feeling aggrieved by non-granting of *ad interim* order by the Tribunal while granting time to the respondents for filing reply till 06.09.2017.

2. Mr.K.Sudhaker Reddy, learned counsel for the petitioner, has submitted that in pursuance of the earlier order of the Tribunal, respondent No.3 issued proceedings, *vide* F.No.1-29/2017-Estt, dated 14.08.2017, wherein, while enclosing revised proposal for revision of cadre strength of Scientific Personnel of Indian Council of Agricultural Research (I.C.A.R.), Directorate of Poultry Research, Hyderabad in Format-I, it is stated that three Scientific Personnel, including the petitioner, are being continued at the Directorate pending approval of the said revised proposal. The learned counsel has further submitted that on 18.08.2017, the Deputy Secretary of I.C.A.R. rejected the petitioner's representation and that, challenging the same, the petitioner has filed the aforementioned O.A. and sought for an interim relief.

3. The learned Assistant Solicitor General appearing for the respondents has submitted that the aforementioned O.A. is coming up for hearing before the Tribunal on 06.09.2017 on the interim relief claimed by the petitioner.

4. The grievance of the petitioner is that while adjourning the case to 06.09.2017, the Tribunal has not protected his interests as he is exposed to immediate relieving from the present place of working in pursuance of the earlier transfer order.

5. In these facts and circumstances of the case, we find justification in the grievance of the petitioner as non-granting of *ad* interim relief may render the entire O.A. itself a fait accompli.

6. Therefore, without expressing any view on the merits of the case, the respondents are directed to maintain *status quo* as on today with regard to continuance of the petitioner at the present place of working till the Tribunal passes an appropriate order on the interim relief claimed by him.

7. Subject to the above direction, the Writ Petition is disposed of.

8. As a sequel to disposal of the Writ Petition, W.P.M.P.No.38271 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

12th September, 2017
GHN