

HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
HONOURABLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.10616 of 2017

ORDER:

(Per HON'BLE SRI JUSTICE SANJAY KUMAR)

This Writ Petition was preferred by the applicant in O.A.No.147 of 2017 on the file of Andhra Pradesh Administrative Tribunal. By order dated 27.01.2017, the Tribunal admitted the said OA and ordered notice returnable in six weeks. As the Tribunal did not grant interim relief, the petitioner is before this Court.

We are of the opinion that in view of **L.Chandra Kumar V. Union of India**¹, it is not open to this Court to entertain a Writ Petition against an order passed by the Tribunal which does not disclose any adjudication or application of mind. In terms of the law laid down in the aforesaid decision, the Tribunal is the Court of the first instance to deal with the disputes raised by Government employees and it is only after adjudication thereof by the Tribunal, be it at the interlocutory or the final stage, that the jurisdiction of this Court under Article 226 of the Constitution can be invoked.

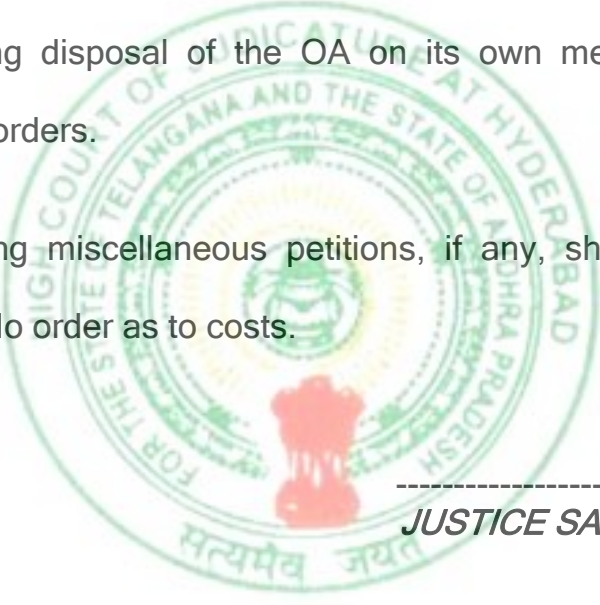
The present order of the Tribunal merely admitting the OA and directing notice to be served upon the respondents therein does not reflect application of mind to the extent of the Tribunal

¹ {(1997) 3 SCC 261}

denying interim relief to the applicant in the OA. The order would only indicate that the Tribunal chose to hear the other side before considering the prayer for interlocutory relief.

The Writ Petition is misconceived and is therefore dismissed on that short ground. This order will however not preclude the petitioner from moving the Tribunal for consideration of the prayer made by him for interlocutory relief pending final disposal of the OA. We are sure, in the event such request is made, the Tribunal would consider the prayer for interlocutory relief pending disposal of the OA on its own merits and pass appropriate orders.

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



JUSTICE SANJAY KUMAR

JUSTICE N. BALAYOGI

DATED 06TH APRIL, 2017.
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