

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

WRIT PETITION No.16661 of 2017

ORDER: (per SK,J)

Office raised an objection to the maintainability of this writ petition as O.A.No.515 of 2016 filed by the petitioner is still pending consideration before the Central Administrative Tribunal, Hyderabad Bench.

Sri M.V.Narasimham, learned counsel for the petitioner, would contend that the earlier round of litigation initiated by the petitioner in O.A.No.469 of 2011 ended in his favour when the Tribunal disposed of the said O.A. with directions *vide* order dated 25.07.2013. However, when contempt proceedings in C.C.No.22 of 2014 initiated by the petitioner before the Tribunal came to naught, he filed W.P.No.27140 of 2015 before this Court. The said writ petition was dismissed by this Court *vide* order dated 28.08.2015 observing that the dismissal of the writ petition or the contempt proceedings would not come in the way of the petitioner initiating appropriate proceedings for securing legal remedy. Learned counsel would state that it was pursuant to this liberty that O.A.No.515 of 2016 was filed before the Tribunal.

This being the factual situation, we are of the opinion that the petitioner, having already approached the Tribunal by virtue of the liberty granted by this Court in W.P.No.27140 of 2015, cannot maintain this writ petition. In the light of the law laid down by the Supreme Court in *L.Chandra Kumar v. Union of India*¹, the Tribunal is the Court of the first instance and it is only after adjudication by the Tribunal, be it at the interlocutory or the final stage, that an aggrieved party can approach this

¹ (1997) 3 SCC 261

Court by way of a writ petition. The writ petition as it stands cannot be maintained as O.A.No.515 of 2016 is yet to be taken up for consideration by the Tribunal.

The objection raised by the office is therefore upheld and the writ petition is accordingly dismissed leaving it open to the petitioner to move the Tribunal for considering his prayer for interim relief pending disposal of O.A.No.515 of 2016 in accordance with law.

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

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:28.04.2017

Note:

Furnish C.C. in two days.

(B/o)

GJ

