

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1480 of 2016

JUDGMENT: (*Per VRS,J*)

Aggrieved by a penalty of dismissal from service, the appellant filed a writ petition. Along with the writ petition, he filed a miscellaneous petition for interim suspension of the order of dismissal and for a direction to continue him in service.

2. The learned single Judge admitted the writ petition and ordered notice. Contending that the learned single Judge ought to have suspended the illegal order of dismissal, the appellant has come up with the present appeal.

3. Heard Mr. J.U.M.V. Prasad, learned counsel for the appellant. Mr. C. Buchi Reddy, learned standing counsel for Telangana State Housing Corporation, takes notice for the respondents.

4. However, good the appellant may have a case, as against the order of dismissal from service, he cannot seek an interim suspension of the order of dismissal. The reason is that if an interim order is granted and the writ petition is ultimately dismissed, the salary paid

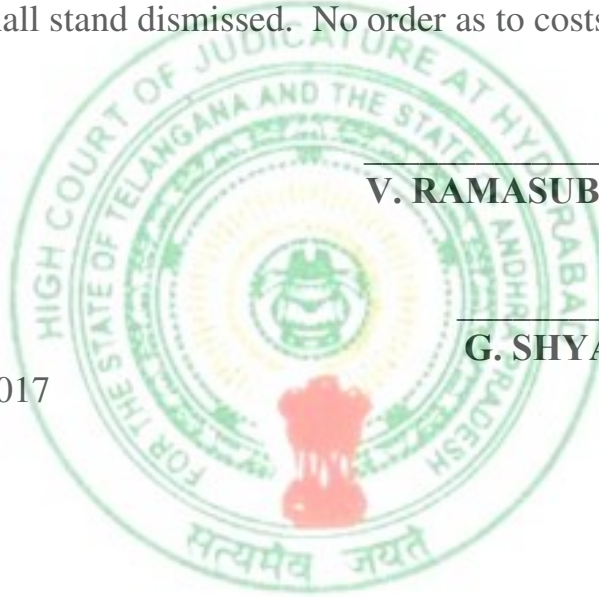
cannot be recovered as he would have worked and earned his salary. On the contrary, if no interim order is granted and the writ petition is eventually allowed, he can be compensated. This is the principle that governs the grant of interim orders. Therefore, the learned single Judge was right in refusing to grant an interim suspension. We find no reason to interfere with the order of the learned Judge. Hence, the Writ Appeal is dismissed.

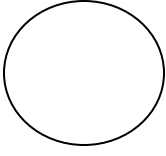
Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

3rd January, 2017
cbs





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