

\* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

\* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND

\* HON'BLE SRI JUSTICE M. GANGA RAO

+ WRIT PETITION NO.36292 of 2016

% Date: 21-11-2017

# Between:

P. Narasimha Reddy, S/o. P. Ram Reddy,  
Sr. Assistant, O/o. District Intermediate Education Officer,  
Malkajigir, Medchal District.

.... Petitioner

And

1. The State of Telangana, rep. by its Principal Secretary, Higher Education Department, Secretariat Building, Hyderabad.
2. The Secretary, Board of Intermediate Education, T.S. Hyderabad.

... Respondents

! Counsel for the petitioner : Mr. D. Linga Rao

^ Counsel for Respondent No.1 : G.P. for Services-I (TG)

^ Counsel for Respondent 2 : Mr. D.L. Pandu

< GI ST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN  
AND  
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.36292 of 2016

ORDER: (Per VRS,J)

The petitioner has come up with the above writ petition seeking a Writ of Mandamus to direct the respondents to implement an interim order passed by the Taribunal.

2. Heard Mr. D. Linga Rao, learned counsel for the petitioner, learned Government Pleader for Services appearing for the 1<sup>st</sup> respondent and Mr. D. L. Pandu, learned counsel appearing for the 2<sup>nd</sup> respondent.

3. Seeking promotion to the post of Superintendent, the petitioner working as a Senior Assistant in the office of the 2<sup>nd</sup> respondent, filed an application in O.A.No.2946 of 2016. Pending the O.A, the petitioner sought an interim direction. The Tribunal granted an interim direction to the respondents to promote him to the post of Superintendent, without reference to a Charge Memo dated 11.11.2014. Contending that the said interim order is not complied with, the petitioner is before this Court.

4. Since the State of Telangana withdrew from the A.P. Administrative Tribunal, the petitioner was unable to go before the Tribunal with a contempt petition and hence he has come up with the above writ petition.

5. The only direction issued by the Tribunal is to consider the case of the petitioner for promotion without reference to the charge Memo.

Charges framed against the petitioner are as follows:

“Charge-I – Sri P. Narasimha Reddy, S.A. has not submitted annual property returns through out his service and thus violated the provisions of conduct rules.

Charge-II – Sri P. Narasimha Reddy, S.A. presently working in B Section, BIE, Hyderabad when the demanded

a bribe of Rs.5000/- (Rupees five thousand only) from Sri B. Sanjay Goud, S/o. B. Yagnavalkya Goud, age 33 years, R/o. Flat No.309, Saraswathi Apartments, Ganesh Nagar, Ramanthapur, R.R. District to do an official favour of processing and to forward the application of the wife of complainant pertains to change of the name and address of the college located at Ramanthapur, R.R. District.”

6. We are surprised that in the light of the above charges, the Tribunal issued interim direction. It may be a different matter if the Tribunal had considered the case on merits at the time of final disposal and come to the same conclusion. By way of an interim order such a direction could not have been granted.

7. Though it is true that the respondents have not come up with a writ petition challenging the order of the Tribunal, it is needless to point out that while exercising jurisdiction under Article 226, it is not necessary for this Court to issue a Writ of Mandamus merely because the petitioner has a case. Therefore, the writ petition is dismissed. It will be open to the petitioner to pursue the main original application which now stands transferred to this Court in W.P.Tr.No.6187 of 2017.

8. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

\_\_\_\_\_  
V. RAMASUBRAMANIAN, J.

\_\_\_\_\_  
M. GANGA RAO, J.

22<sup>nd</sup> November, 2017  
Js.

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN  
AND  
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.36292 of 2016



22<sup>nd</sup> November, 2017

Js.