

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

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.36957 OF 2017

Between:

T.M. Satyabhama W/ o.L.Karunakar,
Aged 55 years, Occ: Senior Section
Engineer (Drawing), O/ o.The Principal
Chief Engineer, South Central Railway,
Secunderabad and another.

...Petitioners

Vs.

Union of India, Rep. by the Chairman,
Railway Board, Ministry of Railways,
Rail Bhavan, New Delhi and others.

... Respondents

For Petitioners : Sri K.R.K.V. Prasad

For Respondents : Sri P. Bhaskar



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.36957 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the refusal of the Central Administrative Tribunal to put on hold a selection for formation of Group 'B' panel for the post of Assistant Divisional Engineer/ Assistant Executive Engineer in the Railways, the original applicants before the Tribunal have come up with the above writ petition.

2. Heard Mr. K.R.K.V. Prasad, learned counsel appearing for the petitioners.

3. The main prayer made by the petitioners in their Original Application before the Tribunal, is to quash a notification inviting applications for formation of Group 'B' panel for the post of Assistant Divisional Engineer/ Assistant Executive Engineer in Level-08 of VII CPC Pay Matrix in the Civil Engineering Department of the Railway against 70% quota. Pending disposal of the O.A., the petitioners wanted a stay of further proceedings pursuant to the selection notification.

4. Finding no reason to grant an *ex-parte* interim order, the Tribunal merely ordered notice after recording some reasons and also after holding that any promotion pursuant to the impugned notification will be subject to the result of the Original Application.

5. Contending that the notification impugned before the Tribunal was contrary to the orders of different Benches of this Court and that therefore, this is a very grave extraordinary situation where the Tribunal ought to have granted a stay of selection, the petitioners have come up with the above writ petition.

6. We have been repeatedly holding that in matters of promotion and seniority, the one and only interim order that can be passed by Tribunals is to say that any promotion/ appointment will be subject to the result of the O.A. However good a *prima facie* case that petitioners may have, the grant of an interim order depends not merely upon a 100% *prima facie* case, but also upon balance of convenience and irreparable hardship. This is the reason why the Supreme Court has cautioned repeatedly against putting on hold selections/ appointments. Therefore, the Tribunal was right in refusing to grant an interim stay.

7. The grievance of Mr. K.R.K.V. Prasad, learned counsel for the petitioners is that the Tribunal has recorded certain findings in the impugned order, which may tilt the balance at the time of final disposal. But, we do not think so. Everyday Civil Courts pass interim orders of injunction. The findings recorded at that time will not have a bearing upon the final disposal.

8. Therefore, except observing that the Tribunal should not go by the opinion already framed in the impugned order, but shall independently consider the application at the time of final disposal, we find no other grounds to interfere with the orders of the Tribunal.

9. Hence, the Writ Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 03, 2017

KTL