

\* 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

+ W.P.NO.43344 of 2017

% Date: 21-12-2017

# Between:

J. Ganesh S/o. Appa Rao,  
Assistant Conservator of Forests, Presently on OD  
with Visakhapatnam Urban Development Authority,  
(VUDA), Visakhapatnam, R/o. H.No.11-9-1/3,  
Dassapalla Hills, Visakhapatnam-3.

.... Petitioner

And

1. The State of Andhra Pradesh rep. by its Special Chief Secretary,  
Environment, Forests, Science & Technology (For.IV) Department,  
Secretariat, Velagapudi, Guntur District, A.P. 522 603.
2. The Principal Chief Conservator of Forests, Aranya Bhavan,  
Agathavarappadu, Guntur, Andhra Pradesh 522 569.
3. Visakhapatnam Urban Development Authority, Rep. by its Vice  
Chairman, Visakhapatnam, Visakhapatnam District 530 001.

... Respondents

! Counsel for the Petitioner

: Mr. P. Venugopal Sr. Counsel  
Mr. M. Srikanth

^ Counsel for Respondents

: Mr. P. Jagadish Chandra Prasad

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> HEAD NOTE:

? Cases referred

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

WRIT PETITION No.43344 of 2017

ORDER: (Per VRS,J)

Challenging the refusal of the A.P. Administrative Tribunal to grant stay of an order that would have the effect of dismissal of the petitioner from service, the petitioner has come up with the above writ petition.

2. Heard Mr. P. Venugopal, learned Senior Counsel appearing for the petitioner.

3. The petitioner was convicted by the criminal Court for the offences under the Prevention of Corruption Act, 1988 and he is on appeal before this Court. Despite this fact, the Government took a decision to continue him in service. But later the Government decided to withdraw their original decision, forcing the petitioner to approach the Tribunal under threat of dismissal from service. Even while admitting the Original Application, the Tribunal refused to grant an interim stay. Therefore, the petitioner is before us.

4. The order impugned in the Original Application before the Tribunal has the effect of dismissing the petitioner from service. Therefore, naturally there cannot be a stay of an order of dismissal. However good the case of the petitioner may be, the other parameters, such as balance of convenience and irreparable hardship, will play a great role in determining the question of grant of interim orders.

5. If stay of an order of dismissal is granted and eventually the Original Application is dismissed, the salary paid to the employee cannot be recovered since he would have worked and earned the salary. But if no interim order is granted and if Original Application is allowed, he can

always be paid the retiral benefits. Therefore, the Tribunal is right in not granting an interim order. We find no reason to interfere with the decision of the Tribunal. Hence the writ petition is dismissed. However, the Tribunal may make an endeavour, within the possible limits, to dispose of the Original Application as expeditiously as possible.

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

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V. RAMASUBRAMANIAN, J.

21<sup>st</sup> December, 2017  
Js.

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M. GANGA RAO, J.



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

WRIT PETITION No.43344 of 2017



21<sup>st</sup> December, 2017

Js.