

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.11580 of 2018

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.345 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Therein, his main prayer was to declare the action of the authorities in not promoting him on par with his juniors, on the ground that he was facing disciplinary action under Charge Memo dated 27.01.2014, was illegal, and to set aside the consequential Memo dated 15.05.2017 along with the proceedings dated 12.02.2018, whereby promotions were given to respondents 5 to 10 in the O.A. who were junior to the petitioner/applicant. He also sought a further direction to the authorities to promote him from the post of Panchayat Secretary Grade-I to the post of Extension Officer (PR&RD) on par with his juniors. The prayer for interim relief in the said O.A. was to suspend the Charge Memo dated 27.01.2014 and also the proceedings dated 12.02.2018. He sought a further interim direction to the authorities to promote him to the post of Extension Officer (PR&RD) as per G.O.Ms.No.257 dated 10.06.1999 and G.O.Ms.No.529 dated 19.08.2008.

By order dated 23.02.2018, the Tribunal admitted the O.A. and issued notice to the respondents returnable in four weeks. Aggrieved by this order, the petitioner/applicant in the O.A. filed this writ petition.

We are of the opinion that in terms of the law laid down by the Supreme Court in L.Chandra Kumar v. Union of India¹, it is only a decision of the Tribunal that is amenable to judicial review by a Division Bench of this Court under Article 226 of the Constitution and an order of

¹ (1997) 3 SCC 261

admission and issuance of notice to the respondents would not amount to a decision which can be made the subject matter of a writ petition before this Court.

On this short ground, the writ petition is dismissed as not maintainable. However, we leave it open to the petitioner/applicant to move the Tribunal for an expeditious hearing on his prayer for interim relief.

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

Date:09.04.2018

GJ



SANJAY KUMAR,J

P.KESHAHA RAO,J