

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.32820 OF 2018

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.1249 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (*for brevity*, 'the Tribunal'). He is aggrieved by the fact that the Tribunal is not taking up his O.A. for the purpose of considering grant of interim relief as prayed for therein.

Perusal of the record reflects that the Tribunal, having heard the arguments on admission, issued notice before admission to the respondents returnable in four weeks *vide* order dated 03.05.2017. Thereafter, it appears that the matter came up before the Tribunal on 28.03.2018 and it was again adjourned by four weeks. We are at a loss to understand as to why the Tribunal did not take up the hearing of the O.A. for the purpose of the interim relief when the matter came up before it nearly ten months after notice was ordered to the respondents.

However, in the light of the law laid down by the Supreme Court in *L.Chandra Kumar v. Union of India*¹, it is not for this Court to step into the shoes of the Tribunal and adjudicate the merits of the O.A. even for the purpose of granting interim relief. The Tribunal is the Court of first instance in terms of the aforestated decision of the Supreme Court and it would be failing in its duty if it does not abide by the mandate thereof. Keeping the O.A. pending for over a year without even considering the request of the applicant therein for interim relief causes irreparable

¹ (1997) 3 SCC 261

injustice and sets at naught the edict of the Supreme Court in L.Chandra Kumar¹.

The writ petition is accordingly disposed of directing the Andhra Pradesh Administrative Tribunal, Hyderabad, to forthwith take up O.A.No.1249 of 2017 for consideration of the prayer therein for interim relief.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:12.09.2018

GJ

