

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

WRIT PETITION NO.34474 OF 2018

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.1929 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. He is aggrieved by the order dated 20.09.2018 passed by the Tribunal therein.

Perusal of the order reflects that the Tribunal merely issued notice before admission to the respondents returnable in four weeks and directed that the promotions effected to the post of Assistant Commissioner of Prohibition and Excise shall be subject to further orders in the O.A. The respondents in the O.A. were directed to file their counter in the matter. The Tribunal also took note of the submission made on behalf of the petitioner-applicant that he was not aware of the Charge Memo as it was not served upon him.

Sri K.Satyanarayana Murthy, learned counsel for the petitioner-applicant, would now state that the Charge Memo has already been served upon his client.

In the light of the aforestated order, it is clear that the Tribunal is yet to adjudicate the issues raised by the petitioner-applicant in the O.A., be it for disposal of the O.A. itself or for grant of interim relief sought therein.

In terms of the law laid down by the Supreme Court in L.Chandra Kumar v. Union of India¹, the Tribunal is the Court of the first instance and unless it adjudicates the service dispute brought before it, be it at the final stage or at the interlocutory stage, the power of judicial review

¹ (1997) 3 SCC 261

vesting in this Court under Article 226 of the Constitution would not come into play. In the case hand, we find no evidence of any adjudication by the Tribunal warranting invocation of the writ jurisdiction of this Court.

The writ petition is therefore utterly misconceived and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:26.09.2018

GJ

