

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

LPASW no. 49/2014
CMA no. 55/2014

Date of order: 09.04.2014

Syed Nazir Ahmed	V	Vijay Kumar Bhat & ors.
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Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice
Hon'ble Mr. Justice Muzaffar Hussain Attar, Judge

Appearing counsel:

For the appellant(s)	:Mr. K. M. Bhatti, Advocate.
For the respondent(s)	:Ms. Meenakshi Salathia, Advocate.

i/	Whether to be reported in Press/Media	:	Yes/No
ii/	Whether to be reported in Digest/Journal	:	Yes/No

1. The instant appeal under Clause 12 of the Letters Patent is directed against an interim order dated 05.02.2014 passed in CMA no. 349/2014 (SWP no. 256/2014), staying the operation of the transfer order dated 03.02.2014 to the extent it pertained to the writ petitioner- respondent. The application filed by the appellant has been allowed by the Writ Court to become party respondent, as is conceded by the learned counsel and the objections have also been filed in CMA no. 349/2014, which are pending consideration of the learned Writ Court.
2. We do not appreciate the endeavour of the appellant to rush to the Letters Patent Bench by filing the instant appeal because the remedy before the Writ Court is still available and whatever is sought to be urged in the appeal in fact has already been urged in the objections to the writ petition and application which are pending.

(2)

3. Keeping in view the aforesaid factual position we refrain from expressing any view on the merit of the controversy and allow the parties to conclude the litigation before the Writ Court by urging all the grounds available to them. We request the learned Single Judge to take up the matter at the earliest as the appellant has pointed out that he is attaining superannuation in January, 2015 and his retirement papers are likely to be delayed.
4. The writ petition be listed on 12.05.2014 higher up in the list. Learned counsel for the parties shall appear on that date before the learned Writ Court.
5. The appeal stands disposed of in the above terms.

(Muzaffar Hussain Attar)
Judge

(M. M. Kumar)
Chief Justice

Jammu,
09.04.2014
Vijay