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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 2453 OF 2003

Smt. V. Bhansali & Ors. ... Petitioners
Vs.
Union of India & Ors. ... Respondents

Mr. Ramesh Ramamurthy a/w Saikumar Ramamurthy, for the
Petitioners.

Mr. Suresh Kumar, for Respondent No. 4.

CORAM : V. M. KANADE, &
REVATI MOHITE DERE, JJ.

DATE : JANUARY 8, 2015

PC.

1. The grievance of the Petitioners is that though they have challenged rejection of their position in the seniority list in the merged cadre, the Tribunal on the basis of the submissions made by the private Respondents, dismissed the original application filed by the Petitioners herein. None appears for Respondent Nos. 1 and 2, though served.

2. We have perused the impugned judgment and order. It appears that though order of merger was not challenged by the private Respondents, the Tribunal has observed that the said order is illegal and on that basis, dismissed the Petitioners' Original Application. In

our view, the Tribunal has committed an error of law, which is apparent on the face of record. We, therefore, set aside the impugned judgment and order, and remand the matter back to the Tribunal with a direction to decide the case on the basis of the averments made and the reliefs claimed by the Petitioners herein. It is clarified that the issue of merger should not be looked into by the Tribunal, since there is no challenge to the said order of merger. The Tribunal shall decide the said application, as expeditiously as possible, and in any case within a period of six months.

[REVATI MOHITE DERE, J.]

[V. M. KANADE, J.]

Vinayak Halemath