

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.25865 of 2013

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This Writ Petition is preferred by the fourth respondent in O.A.No.6177 of 2011 aggrieved by the order of the Tribunal dated 23.04.2012 allowing the O.A.

The petitioner herein, though arrayed as a party in the O.A., did not even file his reply therein. He did not even appear in person or enter appearance through counsel. On the O.A. being allowed, the Government (respondents 1 to 3 in the O.A.) filed W.P.No.39253 of 2012 and a Division Bench of this Court, by order dated 12.03.2013, dismissed the Writ Petition as without merit. Pursuant thereto, the Government issued notice dated 01.06.2013, to the petitioner herein, referring to the orders passed in the O.A. and in the Writ Petition. The petitioner did not choose to raise any objection thereto. Thereafter, by proceedings dated 08.08.2013, the fifth respondent was placed above the petitioner in the seniority list. Consequent thereto, by proceedings dated 02.09.2013, the petitioner was reverted and the fifth respondent was promoted as a Senior Assistant. It was at this stage that the fifth respondent invoked the jurisdiction of this Court questioning the validity of the order of the Tribunal in O.A.No.6177 of 2011.

As noted hereinabove, the order of the Tribunal in O.A.No.6177 of 2011 dated 23.04.2012 has been affirmed by a Division Bench of this Court by its order in W.P.No.39253 of 2012 dated 12.03.2013. Having kept quiet all through, the petitioner cannot now be heard on the merits of the order of the Tribunal in O.A.No.6177 of 2011 dated 23.04.2012 as it would be wholly inappropriate for a co-ordinate Bench of the High Court to set aside an order of the Tribunal which has already been affirmed by another Division Bench. We see no reason, therefore, to entertain this Writ Petition.

Though the notice issued to the petitioner dated 01.06.2013 clearly referred

both to the order of the Tribunal and to the Writ Petition filed before this Court thereagainst, the petitioner has filed the present Writ Petition, and has obtained an interim order, suppressing these facts. We consider it appropriate, therefore, to dismiss the Writ Petition with exemplary costs.

The Writ Petition is, accordingly, dismissed with exemplary costs of Rs.5000/- (rupees five thousand only) payable by the petitioner to the 5th respondent within four weeks from today. Miscellaneous petitions pending, if any, shall also stand dismissed.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

02nd April, 2015.

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