

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.10487 OF 2015

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

While Sri P.V.Krishnaiah, learned counsel for the petitioner, would submit that the Tribunal had erred in recording a finding that he had not argued the matter when, in fact, he had put forth elaborate submissions, these are matters which can only be agitated before the Tribunal in view of the law declared by the Supreme Court in **State of Maharashtra v. Ramdas Shrinivas Nayak**.

Sri P.V. Krishnaiah, Learned counsel for the petitioner, would further submit that, while the contentions urged on behalf of the petitioner, were heard and orders were reserved in O.A.No.3806 of 2008 on 06.02.2015, the Government had filed a counter affidavit thereafter on 24.02.2015; and, even without the petitioner being given an opportunity to rebut those contentions, the O.A. was allowed by order dated 10.03.2015.

On being asked as to how a counter affidavit filed on 24.02.2015 could have been entertained by the Tribunal after it had reserved judgment on 06.02.2015, without even giving the petitioner an opportunity to rebut those contentions either by way of argument or by way of a rejoinder, learned Government Pleader would fairly submit that the petitioner was entitled for such an opportunity.

We consider it appropriate, in such circumstances, to set aside the order of the Tribunal and remand the matter for its consideration afresh. If any rejoinder is filed by the petitioner to the counter affidavit filed by the Government, within ten (10) days from today, the Tribunal shall take it on record, hear counsel on both sides and, thereafter, pass an order afresh and in accordance with law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

15th April 2015

Note: Issue CC by Monday

B/O

RRB