

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

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WRIT PETITION No.37884 of 2014

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

The petitioner herein is the applicant in O.A. No.10549 of 2009 before the Tribunal. The said O.A, along with two other O.As, were disposed of by order dated 25.09.2009 as being covered by the judgment of the Tribunal in O.A. No.8834 of 2008 dated 24.09.2009. The Tribunal disposed of all the three OAs, including O.A. No.10549 of 2009, on the same lines as indicated in O.A. No.8834 of 2008 dated 24.09.2009. The petitioner, thereafter, filed an application to correct the number of the O.A. as O.A. No.8334 of 2008, instead of O.A. No.8834 of 2008. The said application was allowed, and the order was corrected.

Thereafter the petitioner filed an application, seeking review of the earlier order of the Tribunal in O.A. No.10549 of 2009 and batch dated 25.09.2009, contending, among others, that the dispute between him and the unofficial respondents was required to be adjudicated; and the subject matter of O.A. No.10549 of 2009 was not fully covered by the earlier order passed by the Tribunal in O.A. No.8334 of 2008 dated 24.09.2009.

By the order under challenge in this Writ Petition, the Tribunal dismissed the review application holding that the earlier order of the Tribunal in O.A. No.5767 of 2007 and batch dated 24.09.2009, which included O.A. No.8334 of 2008, had already become final by virtue of the order of this Court in W.P. No.9420 of 2010 and batch; and, as such, the review applications could not be allowed.

The petitioner's case, in short, is that the O.A. filed by him had, necessarily, to be adjudicated independently as it was not entirely covered by the earlier order of the Tribunal in O.A. No.8334 of 2008

and batch. If this contention urged on behalf of the petitioner, by Dr. K. Lakshminarasimha, Learned Counsel for the petitioner, were to merit acceptance the Tribunal would then be required to decide O.A. No.10549 of 2009 on its merits, and not merely in terms of the earlier order passed in O.A. No.8334 of 2008 dated 24.09.2009. The mere fact that the order passed in O.A. NO.8334 of 2008 has been confirmed by this Court, in W.P. No.9420 of 2010 and batch, is of no consequence if the dispute in O.A. No.10549 of 2009 is partly different from those which arose for consideration in O.A. No.8334 of 2008 and batch.

It is wholly unnecessary for us to dwell on this aspect any further, as the Learned Government Pleader for Services would fairly state that the submission of Dr. K. Lakshminarasimha, Learned Counsel for the petitioner, that the subject matter of O.A. No.10549 of 2009 is not entirely covered by the order passed earlier in O.A. No.8334 of 2008 dated 24.09.2009, is correct. Consequently the orders of the Tribunal, under challenge in the present Writ Petition, is set aside. O.A. No.10549 of 2009 is restored to file, and the Tribunal shall decide the said O.A. on its merits and in accordance with law. The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, J)

(M. SATYANARAYANA MURTHY,

Date: 26.03.2015
MRKR