

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

Writ Petition No.2923 of 2015

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

This writ petition is filed against the order passed by the Central Administrative Tribunal, Hyderabad in O.A.No.021/01338/2014 dated 29.12.2014.

On an application, filed by respondents 1 to 5 herein, seeking interim directions to the petitioners herein not to appoint direct recruits, before the DPC for filling up of the DP Quota is held as per their schedule, pending final disposal of the O.A., the Tribunal recorded the submission of the learned counsel for the petitioners herein that the Department was not going to fill up the vacancies of direct recruits till 31.03.2015; and they were going to conduct the DPC on or before 31.03.2015. Recording the submissions made by the counsel for the petitioners herein, the Tribunal posted the matter after four (4) weeks to enable them to file their reply.

Sri I.Koti Reddy, learned Standing Counsel appearing on behalf of the petitioners, would submit that the Tribunal misunderstood the submission made on behalf of the petitioners herein (respondents in O.A.), that they were going to fill up the vacancies under the promotion quota at the earliest, as if the vacancies of direct recruits would not be filled up till 31.03.2015. Learned counsel would contend that, as the recruitment process has been stalled in view of the said submission being recorded, the petitioners herein should be permitted to proceed with the direct recruitment without waiting till 31.03.2015.

The Tribunal has not passed any order which the petitioners herein can claim to be aggrieved by. All that the Tribunal has done is to record the submission made on

behalf of the learned counsel for the petitioners herein, and grant them four (4) weeks time to file their reply. It is not even stated, in the affidavit filed in support of the present writ petition, that the submission made on behalf of the respondents in the O.A. has been erroneously recorded by the Tribunal. Even otherwise, any error in the order is required to be brought to the notice of the Tribunal. If, on the other hand, the submission was made by their counsel, without instructions from the petitioners herein, then the only remedy which the petitioners herein have is to take action against their counsel for the wrong representation made on their behalf. That does not, however, justify this Court examining, in proceedings under Article 226 of the Constitution of India, whether or not the Tribunal had correctly recorded the submission made on behalf of the petitioners herein.

The writ petition as filed is wholly misconceived and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

24th February 2015.
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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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Date: 24.02.2015

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