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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION No. 10678 OF 2015

Union of India and Ors.

...Petitioners

Vs.

Sunil Kumar Lamba and Ors.

...Respondents

Ms. Neeta Vinay Masurkar a/w. D.A. Dubey for Petitioners

Mr. Ravindranath R. Shetty for Respondent Nos.1 to 4

***CORAM : V. M. KANADE &
M.S. SONAK, JJ.***

DATE : JULY 14, 2016

P.C. :

1. Heard Mrs. Masurkar, learned counsel appearing on behalf of the Union of India and Shri Shetty, learned counsel appearing on behalf of Respondent Nos.1 to 4.

2. The Petitioners are aggrieved by an order passed by the Central Administrative Tribunal, Bombay Bench at Mumbai in O.A. No.348 of 2011 dated 9.10.2014.

3. By the said order, the CAT was pleased to allow the application filed by the Respondents and direct the Respondents to give seniority to the

Respondents w.e.f. 1995 and further held and observed that since seniority granted to the Respondents (Original Applicants therein) w.e.f. 1995, the Respondents were also entitled for consequential benefits by way of consideration for promotion to the posts of Superintendent and Appraiser as prayed for.

4. The learned counsel appearing on behalf of the Union of India has submitted that the Tribunal has not given any reasons on the issue of consequential benefits while allowing the Original Application filed by the Respondents (Original Applicants therein).

5. We have perused the said impugned order. The CAT has not given any reasons while allowing the OA filed by the respondents for granting consequential benefits to them. The learned counsel for Respondent Nos.1 to 4 are trying to persuade that the Respondents have appeared for the examination held in 1995 though the results were declared in the year 2000-2001 and they were claiming the seniority with effect from 1995 for which the O.A. was filed. It is submitted that the CAT has, therefore, rightly allowed the seniority to the Respondents herein w.e.f. 1995 as per the issue decided by the Apex Court in the case of N.R. Parmar. He has also relied on other

judgments in support of his submissions on the issue of consequential benefits.

6. We are afraid that we cannot accept the submissions made by the learned counsel Shri Shetty appearing on behalf of the Respondents as the issue is not at all discussed while passing the impugned order. It is well settled position in law that ultimately even where final conclusion fixed by the Tribunal or by the Court may be correct, it has to give reasons as why the Court /Tribunal has arrived at that conclusion. Hence, the impugned order, is set aside since no reasons have been given by the Tribunal while allowing the OA filed by the Respondents on the issue of consequential benefits. We, however, direct the CAT to decide the said issue a fresh, expeditiously within a period of eight weeks, on merits and in accordance with law. All contentions of both the parties are kept open. Writ petition is disposed of in the aforesaid terms.

M.S. SONAK, J.

V.M. KANADE, J.