

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

REVIEW WPMP No.45226 of 2016
in
WRIT PETITION No.30376 of 2015

ORDER: (per SK, J)

This petition under Section 114 CPC read with Order XLVII Rule 1 CPC is preferred by the State of Telangana and its Commissioner and Director of Agriculture seeking review of the common order dated 11.08.2016 passed by this Court in Writ Petition No.30376 of 2015 along with two other Writ Petitions, W.P.Nos.30505 of 2015 and 25011 of 2016. The sole ground for seeking such review is as under:

“By virtue of the Notification issued by Government of India the Hon'ble APAT ceased to have any power to adjudicate the service disputes concerning the State of Telangana, due to which the Hon'ble Tribunal refuses to entertain to pronounce the orders in the Original Applications which are concern with the service disputes of State of Telangana. In view of the decision of the Hon'ble Supreme Court in Chandra Kumar's case the present Review Petition is maintainable, wherein the Hon'ble Supreme Court clarified, with or without the existence of the Hon'ble Tribunal, the Hon'ble High Court's power to adjudicate the services, remained intact.”

By the common order dated 11.08.2016 passed in the aforestated writ petitions, this Court took note of the fact that the

OAs from which the Writ Petitions arose were still pending adjudication before the Andhra Pradesh Administrative Tribunal (for brevity 'the Tribunal') and directed as under:

"We accordingly dispose of these writ petitions directing that the interim order dated 22.09.2015 passed in W.P.Nos.30376 and 30505 of 2015, which has been extended to W.P.No.20511 of 2016 by way of this order, shall remain in operation till the disposal of the O.As by the Tribunal. We further request the Tribunal to take up these three O.As on an out of turn basis and endeavour to dispose of the same on merits after hearing all parties concerned in accordance with law. This exercise shall be completed expeditiously and preferably within 3 months from the date of receipt of a copy of this order."

It is stated that pursuant to the aforestated order, the Tribunal concluded the hearing of the OAs and reserved judgment. However, before the judgment could be pronounced by the Tribunal on the stipulated date, 28.09.2016, the Government of India issued a Notification in GSR.888(E) dated 15.09.2016 abolishing the Tribunal insofar as the State of Telangana is concerned.

Owing to this development, Sri Sharath, learned Special Government Pleader appearing for the learned Advocate General, State of Telangana, would contend that the direction of this Court to the Tribunal to dispose of the pending OAs on merits can no longer be given effect to. He would further state that owing to the

interim orders, which were extended pending disposal of the OAs, the entire process in relation to recruitment to the posts of Agricultural Officers, Agricultural Extension Officers and Horticultural Officers in the State of Telangana is brought to a halt.

Sri J. Sudheer, learned counsel for the petitioners in Writ Petition No.30376 of 2015, the respondents in this Review Petition, would seek time to file a counter to this Review Petition. However, we were not inclined to accede to this request as the present review is sought on a purely legal issue and does not call for any factual response through a counter.

Thereupon, Sri J. Sudheer, learned counsel, would assert before this Court that the ground raised for seeking the review cannot be accepted. He would state that issuance of the notification by the Government of India is an unanticipated future event and cannot be a ground for review as it does not constitute either a mistake or an error apparent on the face of the record. He however admits that after abolition of the Tribunal, insofar as the State of Telangana is concerned, service disputes relating to Government employees in the State of Telangana are now being brought before this Court by way of writ petitions under Article 226 of the Constitution.

Significantly, Order XLVII Rule 1 CPC provides for a review being undertaken not only on account of a mistake or error apparent on the face of the record but also for ‘any other sufficient reason’. Though Sri J. Sudheer, learned counsel, would contend that this phrase must be interpreted applying the doctrine of *ejusdem generis*, we are not impressed. The specific use of the disjunctive words ‘any other’ clearly indicates that the ‘sufficient reason’ can be one independent of the stipulated mistake or error apparent on the face of the record. The phrase ‘any other sufficient reason’ therefore need not be read down by giving it the color of the words ‘mistake’ and ‘error apparent’. We therefore find that sufficient reason is made out for reviewing the order passed in Writ Petition No.30376 of 2015 and batch as the said order has become unworkable owing to subsequent developments.

The review is accordingly granted and the matter is taken up for hearing.

The direction of this Court in the aforestated order to dispose of the OAs on merits can no longer be acted upon, owing to the fact that the Tribunal does not have the authority to deal with service disputes of Government employees in the State of Telangana. The writ petitioners, who sought to air their

grievances in relation to recruitment to the posts of Agricultural Officers, Agricultural Extension Officers, Horticultural Officers in the State of Telangana would therefore have to seek redressal of their grievances in relation thereto by way of fresh writ petitions before this Court. However, keeping in mind the fact that this is not really a fresh service dispute as it was pending consideration before the Tribunal prior to its abolition, we are of the opinion that the writ petitioners should be afforded some protection at this stage. It may be noted that by virtue of the orders passed by this Court and thereafter by the Tribunal, the notifications issued by the State of Telangana to undertake recruitment to the aforementioned posts were not given full effect. The Public Service Commission of the State was permitted to go ahead with the written test and evaluation of the answer scripts but the marks secured by the candidates were to be kept in a sealed cover. The other procedures to be followed thereafter were also interdicted. By the order under review, this Court directed that the said interim orders should remain in operation till the disposal of the OAs by the Tribunal.

However, as that cannot now come to pass because of the abolition of the Tribunal insofar as the State of Telangana is concerned, we are of the opinion that the interests of justice

would be sufficiently served by directing that the said interim orders shall continue to operate for a period of four weeks from today. In the meanwhile, it is open to the writ petitioners to seek redressal of the grievances aired by them in the OAs before the appropriate forum in accordance with law.

The review petition is ordered accordingly.

Review WPMP.No.45227 of 2016 shall stand closed in the light of the aforestated order. No order as to costs.

14th NOVEMBER, 2016.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Note: issue c.c. in three days.

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