

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 22420 OF 2005

DATED 30TH JUNE, 2016

Between:

G.Padma ... Petitioner

AND

The Commissioner,
Customs and Central Excise,
Hyderabad Zone, Hyderabad, and others ... Respondents

Counsel for the petitioner : Ms. G.Deepa

Counsel for the respondents : Assistant Solicitor General

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

1. This Writ Petition is filed for issue of *certiorari* to quash order dated 26.04.2005 in O.A. No.35 of 2005 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short, 'the Tribunal').
2. At the hearing, there is no representation for the petitioner.
3. A perusal of the impugned order shows that the Tribunal has directed the respondents not to dislodge the petitioner and other applicants therein in order to engage freshers even through the contractors and that, on lifting of the ban on engagement of casual workers and on availability of funds, the respondents shall consider the case of the petitioner and other applicants

before the Tribunal for regularization of their services, if necessary, by formulating a scheme for the said purpose. In our opinion, the Tribunal, instead of causing harm to the interests of the petitioner, has granted substantial relief to her. Indeed, in strict sense, having regard to the law laid down by the Apex Court in ***Secretary, State of Karnataka and others Vs. Uma Devi and others***^[1], ***Official Liquidator Vs. Dayanand and others***^[2] and ***A. Manjula Bhashini and others Vs. M.D., A.P. Women's Co-operative Finance Corporation Limited and another***^[3], it should have been for the respondents to question the order of the Tribunal. Since the respondents have not questioned the said order, we are not inclined to upset the order of the Tribunal to the extent of granting relief to the petitioner and other applicants. In any case, in our opinion, the petitioner has no reason to feel aggrieved by the order of the Tribunal.

4. For the aforementioned reasons, the Writ Petition fails and the same is, accordingly, dismissed.

5. As a sequel to dismissal of the Writ Petition, *interim* stay granted earlier by this Court, on 24.10.2005, in W.P.M.P.No. 28730 of 2005, is vacated and W.V.M.P.No. 3456 of 2005 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM
PRASAD, J.

Date: 30-06-2016.

JSK

^[1] 2006 (4) SCC 1

^[2] 2008 (10) SCC 1

^[3] 2009 (IV) LLJ 57 (SC)