

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

WRIT PETITION No.29399 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the order dated 10.04.2014 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.981 of 2011. The petitioners are some of the applicants therein.

Perusal of the order under challenge reflects that the Tribunal, having been apprised of the fact that the earlier orders passed by it in identical matters were the subject matter of several writ petitions before this Court, baldly concluded that as the issue is pending before this Court, no orders were required to be passed in the O.A. and dismissed it.

It is a settled position of law, in terms of L. Chandra Kumar v. Union of India¹, that the Tribunal constituted under the Administrative Tribunals Act, 1985, is the Court of first instance insofar as service disputes of Government employees are concerned and such adjudication by the Tribunal is amenable to judicial review under the writ jurisdiction of this Court.

That being so, we are at a loss to understand as to how the Tribunal can conclude that it is not required to pass an order in the said O.A. merely because the earlier orders passed by it in similar O.As. were the subject matter of pending writ petitions before this court. It is for the Tribunal to pass an order in the O.A. on merits and in accordance with law. The Tribunal cannot abdicate its function and duty in this regard.

The order under challenge is therefore set aside and the O.A. is remitted to the Tribunal for consideration afresh as indicated supra.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

1st September, 2016
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¹ (1997) 3 SCC 261