

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.5474 of 2016

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Date: 19.02.2016

Between:

A.Malli Babu and 4 others

.. Petitioners

and

Union of India
rep. by its Chairman
and 2 others

.. Respondents

Counsel for the petitioner :

Mr.D.V.Rao

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The Court made the following:

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Order : (Per Hon'ble Sri CVNR, J)

This Writ Petition is filed for a Mandamus to set aside Order, dated 18-08-2015, of respondent No.4 whereby he has effected promotions to certain third parties as Junior Engineers.

From the pleadings of the petitioners and the material filed in support thereof, it is evident that assailing the promotion of certain persons, petitioner No.2 and four others have filed OA.Nos.780 of 2011 and batch. The said OAs were disposed of by Common Order, dated 12-07-2013, by the Central Administrative Tribunal (for short 'the Tribunal'). Feeling aggrieved by the said order, respondent Nos.2 to 4 have filed Writ Petition Nos.34718 to 34721 of 2013 wherein interim orders were granted by this Court. The said Writ Petitions are pending and the interim orders are subsisting as on today. Subsequently, the impugned proceedings were issued giving promotions to certain third parties as Junior Engineers. Feeling aggrieved by the said promotions, the petitioners filed this Writ Petition.

In our opinion, this Writ Petition is wholly misconceived, for, the petitioners have bypassed

the remedy available to them under the Administrative Tribunals Act, 1985, before the Tribunal.

The learned Counsel for the petitioners has not disputed that the present Writ Petition is based on a fresh cause of action, which has nothing to do with the OAs filed by them earlier as referred to above. Whenever such fresh causes of action arise, the aggrieved parties have to necessarily first approach the Tribunal and if they feel aggrieved by any order that may be passed by the Tribunal, then only they can avail the remedy of judicial review of this Court under Article 226 of the Constitution of India. In this view of the matter, we are not inclined to entertain this Writ Petition at this stage.

The Writ Petition is, accordingly, dismissed, however, with liberty to the petitioners to approach the Tribunal.

As a sequel to dismissal of the Writ Petition, WPMP.No.6961 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(M.S.K.Jaiswal, J)

Dt: 19th February, 2016
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