

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 19145 OF 2016

DATED 16TH JUNE, 2016

Between:

Kadavala Ramesh and others ... Petitioners

AND

The Union of India,
Rep. by its Secretary to the Government of India,
Ministry of Defence, South Block,
New Delhi – 110001, and others ... Respondents

Counsel for the petitioners : Sri T.Koteswara Rao

Counsel for the respondents : Assistant Solicitor General

THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed assailing order dated 11-02-2016 in O.A.No. 020/183/2016 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short, 'the Tribunal').

2. We have heard Sri T.Koteswara Rao, learned counsel for the petitioners, and Sri B.Narayana Reddy, Assistant Solicitor General appearing for the respondents.

3. The petitioners are ex naval apprentices trained in the Dockyard Apprentice School, Visakhapatnam, from the years 1993 to 2004. Certain amendments to the recruitment rules published *vide* S.R.O.No. 131/84 dated 02-10-1989 provided for recruitment of Tradesman (skilled) through exclusive absorption of ex naval apprentices without any upper age limit, failing which

the said post can be filled up by promotion *etc.*,.

4. O.A.No. 295 of 2014 was filed by certain ex naval apprentices, who include some of the Writ Petitioners herein, before the Tribunal. There is a controversy as to whether all the petitioners herein have filed the said O.A. or only some of them have filed the same. Be that as it may, the said O.A. was disposed of by the Tribunal by order dated 05-12-2014 following an earlier order passed in O.A.No. 51 of 2008 and batch dated 01-03-2010 with certain directions.

5. The petitioners herein filed O.A.No. 020/183/2016 assailing recruitment to the posts of Tradesman (skilled) in excess of 709 vacancies, which include 161 vacancies said to be of pre 2012, as notified by respondent No. 3 on 06-11-2015 as illegal and contrary to the order in O.A.No. 295 of 2014 of the Tribunal. This O.A. came to be dismissed by the Tribunal mainly on the ground that the relief claimed in the O.A. indicates that the petitioners are seeking enforcement of the order in O.A.No. 295 of 2014, for which the petitioners have already filed contempt cases and that, therefore, no fresh cause of action arose for the petitioners to file the later O.A.

6. Sri T.Koteswara Rao, learned counsel for the petitioners, submitted that while some of the petitioners herein have filed O.A.No. 295 of 2014, the remaining petitioners have not filed the said O.A. and that the reasoning of the Tribunal in dismissing the O.A. applies only to such of those petitioners who are parties to O.A.No. 295 of 2014. He has further submitted that as regards the remaining petitioners, they are entitled in law to approach the Tribunal claiming the same relief as granted in O.A.No. 295 of 2014. He has further argued that had the Tribunal has not dismissed the O.A. *in limine*, he would have satisfied it that the petitioners, who did not join the applicants in O.A.No. 295 of 2014, are entitled to pursue O.A.No. 295 of 2014.

7. Since the O.A. was dismissed at the admission stage and the petitioners are pleading that the finding rendered by the Tribunal, that the applicants have filed contempt petitions, is not based on the correct factual matrix which has not reflected the true position, it is appropriate that the petitioners are permitted to file a review. As the time for filing such review has already expired, they are permitted to file the same within two weeks from today. If such review is filed, the Tribunal shall entertain and decide the same on merits without raising any objection to the aspect of limitation. The Writ Petition, accordingly, stands disposed of.

8. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 23485 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 16-06-2016.

JSK