

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.5547 of 2016

Date:25.02.2016

Between:

Palaka Raja Rao (R.R.Palaka),
S/o Palaka Asirwad

....Petitioner

And:

Union of India, repled by its Secretary,
Ministry of Information & Broadcasting,
New Delhi and two others.

.....Respondents

Counsel for the petitioner: Mr. K.Sudhakar Reddy

Counsel for Respondent Nos.1 & 2: Mr. D.Appa Rao
representing Mr. B.Narayana Reddy
Assistant Solicitor General

The Court made the following:

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

Feeling aggrieved by order, dated 27.3.2015, in
C.P/020/0047/2014 in CP/020/0047/2014 and

MA/020/923/2014 in CP/020/0047/2014 in O.A.No.806/2011 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, (for short 'the Tribunal'), the applicant therein filed this Writ Petition.

We have heard learned counsel for the parties and perused the record.

The petitioner filed O.A.No.806 of 2011 which was disposed of by the Tribunal by order, dated 30.7.2013, with the following directions:

“Therefore, based on these facts and Hon'ble Supreme Court judgment in R.Balasubramanian's case (supra), the respondents are directed to give effect to the UPSC recommendations in the DPC held on 06.02.2002 in which the applicants herein are included in the revised year-wise panels for promotion to the grade of Assistant Station Director for the year 1989 and 1990 and to extend all the consequential benefits to the applicants such as promotion to the post of ASD, SD, Sel Gr. SD and DDG retrospectively with effect from the date on which applicants' immediate junior was promoted subject to they otherwise being eligible.”

Alleging that the above-mentioned order was not implemented, the petitioner filed CP.020/0047/2014 before the Tribunal. During the pendency of the said case, respondent No.2 has passed order, dated 27.02.2015/03.02.2015, giving notional promotion to the petitioner to STS grade, in purported compliance of the order of the Tribunal.

By the impugned order, the Tribunal has closed the Contempt Petition by observing that the respondents have fully complied with its directions issued in O.A.No.806 of 2011.

At the hearing, Mr. K.Sudhakar Reddy, learned

counsel for the petitioner, has strenuously submitted that respondent No.2 has failed to implement the order, dated 30.7.2013, of the Tribunal in O.A.No.806 of 2011 in its letter and spirit. He has sought to substantiate his submission by placing before the Court several facts.

In our opinion, exercising the power of judicial review, this Court will not sit in appeal over the decision of the Tribunal. However, on going through the impugned order, we feel that in the face of a serious dispute regarding the implementation of its order, the Tribunal ought to have undertaken a detailed discussion and passed a speaking order for coming to the conclusion that respondent No.2 has implemented its order, dated 30.7.2013, in O.A.No.806 of 2011. As such an order has not been passed, the impugned order of the Tribunal is set aside. The Contempt Petition is remanded to the Tribunal for fresh disposal by passing a speaking order after hearing both sides afresh.

The Writ Petition is, accordingly, allowed to the extent indicated above.

As a sequel to disposal of the Writ Petition, WPMP.No.7057 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*25th February, 2016
DR*