

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION Nos. 1340 and 5385 of 2014

COMMON ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

W.P.Nos.1340 and 5385 of 2014 were filed by the Union of India and its officials in the Army and Navy aggrieved by the order dated 02.08.2013 in O.A.No.573 of 2011 and the order dated 09.04.2013 in O.A.No.280 of 2011 respectively passed by the Central Administrative Tribunal, Hyderabad Bench.

Interim suspension of the orders under challenge was granted by this Court in both these writ petitions. Miscellaneous Petitions were filed by the unofficial respondents in both cases to vacate the said orders of interim suspension.

Heard Sri B. Narayana Reddy, learned Assistant Solicitor General for India appearing for the petitioners in both cases and Dr.P.B. Vijay Kumar, learned counsel for the unofficial respondents in W.P.No.5385 of 2014.

Perusal of the orders under challenge passed by the Tribunal reflects that there was no independent adjudication of the issue raised in the O.As. The Tribunal merely took note of the fact that the same issue has come up for consideration before the Chennai Bench of the Tribunal in O.A.No.27 of 1999 and the same was allowed *vide* order dated 02.03.1999. This order was confirmed by a Division Bench of the Madras High Court *vide* order dated 28.01.2003 passed in W.P.No.18889 of 1999. The Petition for Special Leave to Appeal in Civil Appeal No.6499 of 2004 filed by the Union of India and its officials against the order of the Madras High Court came to naught when the same was dismissed by the Supreme

Court *vide* order dated 14.01.2009. No doubt, the Supreme Court left open the question of law involved in the case.

However, insofar as this Court is concerned, the order passed by the Madras High Court was accepted and acted upon by another Division Bench of this Court in W.P.No.5130 of 2009. Copy of the order dated 17.03.2009 passed in the said writ petition is placed on record and it reflects that this Court accepted the view taken by the Madras High Court while confirming the order passed in O.A.No.27 of 1999.

In that view of the matter, it is not open to the petitioners to again re-agitate the issue before this Court.

The writ petitions are therefore dismissed in terms of the order dated 17.03.2009 passed by this Court in W.P.No.5130 of 2009 and the order dated 28.01.2003 passed by the Madras High Court in W.P.No.18889 of 1999.

Interim orders shall stand vacated in both the writ petitions. Pending miscellaneous petitions in both cases shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

Date: 06.04.2017
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