

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

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION Nos. 32132, 32227 AND 32303 OF 2017

DATED 21ST SEPTEMBER, 2017

WRIT PETITION No. 32132 OF 2017

Between:

Potnuru Ch.V.Narasimham ... Petitioner

AND

Union of India,
Rep. by its Secretary,
Ministry of Defence,
South Block, New Delhi, and others ... Respondents

Counsel for the petitioner : Sri T.Koteswara Rao

Counsel for the respondents : Assistant Solicitor General

WRIT PETITION No. 32227 OF 2017

Between:

Kadavala Ramesh and others ... Petitioners

AND

Union of India,
Rep. by its Secretary,
Ministry of Defence,
South Block, New Delhi, and others ... Respondents

Counsel for the petitioners : Sri T.Koteswara Rao

Counsel for the respondents : Assistant Solicitor General

WRIT PETITION No. 32303 OF 2017

Between:

Pentakota Jagadeeswara Rao and others ... Petitioners

AND

Union of India,
Rep. by its Secretary,
Ministry of Defence,
South Block, New Delhi, and others ... Respondents

Counsel for the petitioners : Sri T.Koteswara Rao

Counsel for the respondents : Assistant Solicitor General



THE COURT MADE THE FOLLOWING

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

Feeling aggrieved by non-implementation of orders of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal'), the applicants before it have filed these Writ Petitions.

2. We have heard Sri T.Koteswara Rao, learned counsel for the petitioners, and perused the record. The petitioners pleaded that they underwent training as Naval Apprentices in the trade of Fitter in the year 1989. Applications were invited in the year 2009 for appointment as Tradesman (Skilled). The petitioners were disabled to apply as the notification prescribed upper age limit of 25 years. The petitioners along with others approached the Tribunal by way of O.As. The Tribunal allowed the O.As. following an earlier order in O.A.Nos. 51 of 2008 and batch and held that prescription of upper age limit in filling up the posts with apprentices was wholly irrational. A direction was issued by the Tribunal to the effect that whenever fresh recruitment process takes place, the cases of the applicants have to be considered for absorption if they are otherwise eligible irrespective of their crossing upper age limit. The petitioners claimed to have made representations for considering their claim for being appointed as Tradesman (Skilled) without insisting on upper age limit. They approached this Court by way of the present Writ Petitions with the grievance that in spite of the orders of the Tribunal and their representations, respondent No. 4 has not been appointing them.

3. In our opinion, these Writ Petitions, filed seeking enforcement of the orders of the Tribunal, are wholly misconceived. Learned counsel for the petitioners has not disputed that Section 27 of the Administrative Tribunals Act, 1985, and Rule 24 of the Central Administrative Tribunal (Procedure) Rules,

1987, created a separate mechanism for enforcement of the orders passed by Tribunals. The petitioners did not explain the reason why they have not moved the Tribunal for enforcement of its orders. Unless the petitioners have availed the aforementioned remedy and failed in their attempt in that regard, they cannot straightaway approach this Court. Though the petitioners have filed a copy of the notification stated to have been issued in the year 2015 inviting applications for the post of Tradesman (Skilled), they did not plead as to whether they applied in pursuance of the said notification. Therefore, the petitioners cannot be allowed to express any grievance against non-consideration of their cases for promotion by respondent No. 4.

4. In the above view of the matter, the Writ Petitions are dismissed, however, with liberty to the petitioners to avail appropriate legal remedy in terms of the observations made hereinbefore.

5. As a sequel to dismissal of the Writ Petitions, W.P.M.P.Nos. 40005, 40106 and 40187 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 21-09-2017.

JSK