

HON'BLE SRI JUSTICE C. V. NAGARJUNA REDDY
AND
HON' BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.29718 of 2017

Date: 03.10.2017

Between:

The Union of India, rep. by Secretary,
Ministry of Defence, New Delhi & others

... Petitioners

And

Smt. Dasari Suryakumari & others

... Respondents

Counsel for petitioner : Sri B. Krishna Mohan

Counsel for respondent : None appeared

This court made the following:



HON'BLE SRI JUSTICE C. V. NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.29718 OF 2017

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

This writ petition is filed for *Certiorari* to quash the order dated 18.08.2016 passed in O.A.No.689 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, "the Tribunal").

Sri B. Krishna Mohan, learned counsel for the petitioners submitted that the Tribunal has erroneously allowed the above said O.A. filed by the respondents by holding that the issue raised in the O.A. is covered by the judgment in O.A.No.238 of 2013 dated 01.10.2013 as the facts between the two cases are dissimilar with each other. On 13.09.2017 we have adjourned the case to enable the learned counsel for the petitioners to verify whether a reply-statement was filed on behalf of the petitioners before the Tribunal drawing the distinction between the two cases. The petitioners filed additional material papers including the purported reply statement. The learned counsel for the petitioners, however, submitted that this reply statement could not be filed before the Tribunal, as no opportunity for filing such reply was given by the Tribunal. In our opinion, if the petitioners were not permitted to file the reply-statement, the remedy for them is to file a review before the Tribunal. As the facts pleaded by the petitioners in the writ petition were not placed before the Tribunal, it is not possible for this Court to adjudicate on the legality or other wise of the order impugned in this writ petition.

Accordingly, the writ petition is dismissed, without adjudicating on the merits of the case with a liberty to the petitioners to avail the remedy of review. If the petitioners suffer any adverse order in the review petition, they shall be free to avail a fresh legal remedy before this Court. No order as to costs.

As a sequel to dismissal of the writ petition, WP MP No.36982 of 2017 shall stand dismissed as infructuous.

C. V. NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

Date: 03.10.2017.
BSS/ Gk.



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WRIT PETITION No.29718 OF 2017
(per Hon'ble Sri Justice C. V. Nagarjuna Reddy)



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