

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.27129 of 2017

28.08.2017

Between:

The Union of India,
represented by its Secretary,
Ministry of Defence, New Delhi and others

..Petitioners

and

G.Srinivasa Rao

..Respondent

Counsel for the petitioners: Mr.B.Narayana Reddy,
Assistant Solicitor General

Counsel for the respondent: Mrs.P.K.Kalyani for Mrs.Anita Swain

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed by the Union of India and others assailing order, dated 26.06.2015, in O.A.No.1077 of 2014 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short 'the Tribunal').

2. A perusal of the impugned order shows that the Tribunal has allowed the O.A. filed by the respondent based on the previous order passed by it on 01.10.2013 in O.A.No.238 of 2013. The petitioners have filed a copy of order, dated 04.03.2014, in W.P.No.5612 of 2014, whereby this Court has upheld order, dated 01.10.2013, in O.A.No.238 of 2013 by dismissing the said writ petition.

3. At the hearing, the learned counsel for the petitioners has submitted that the respondent is not entitled to the relief in his O.A. based on the order in O.A.No.238 of 2013 because unlike the applicants therein, the respondent has not made any representation for his appointment for unskilled labour post. From the contents of the impugned order, it is evident that during the hearing of the case before the Tribunal, the learned counsel representing the petitioners has conceded that the issue in the O.A. is covered by order, dated 01.10.2013, in O.A.No.238 of 2013. When an order was passed based on the concession made by a party, such order cannot be questioned by the said party on merits. If such party disputes such concession having been made, the appropriate remedy for it is to file a review before the same *forum*.

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

5. As a sequel to dismissal of the writ petition, W.P.M.P.No.33700 of 2017 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

28th August, 2017
GHN

