

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.36231 OF 2016

ORDER: (Oral) (*Per Hon'ble Sri Justice Suresh Kumar Kait*)

Vide the present petition, the petitioners have assailed the order dated 03.03.2016 passed in O.A. No.1278 of 2015 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal'), whereby the O.A. filed by respondent No.1 was allowed, as squarely covered by the order dated 31.08.2015 passed in O.A. No.1067 of 2014 by the Tribunal.

2. As stated by the learned counsel for the petitioners that the order dated 31.08.2015 passed in O.A. No.1067 of 2014 was challenged before this Court in W.P. No.1612 of 2016, the same was allowed by quashing the order passed in O.A. No.1067 of 2014. Thus, the reliance placed by the Tribunal on the aforesaid O.A. is contrary to the Order passed by this Court in W.P. No.1612 of 2016.

3. Learned counsel appearing on behalf of respondent No.1 has agreed thereto, however, submits that let the matter be remanded to the Tribunal and a fresh order would be passed by the Tribunal, considering the merits of the case.

4. Keeping in view of the facts recorded above, we note that the O.A. No.1278 of 2015 filed by respondent No.1 was allowed vide order dated 03.03.2016, as squarely covered by the order dated 31.08.2015 passed in O.A. No.1067 of 2014. We hereby set aside the order dated 03.03.2016 passed in O.A. No.1278 of 2015 and remand the matter to the learned Tribunal. The learned Tribunal shall, after giving opportunity of hearing to both parties, decide the matter afresh on merits.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

SURESH KUMAR KAIT, J

Dr. SHAMEEM AKTHER, J

Date:20-06-2017

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