

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

WRIT PETITION No.7356 of 2017

ORDER: (Per Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.888 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench. By order dated 26.08.2016, the Tribunal disposed of the said O.A. directing the authorities to consider the petitioner's representations dated 05.07.2016 and 08.08.2016 in the light of the judgment of the Supreme Court in *Rajeev Kumar Gupta v. Union of India*¹ and pass a reasoned order. This exercise was directed to be completed within 45 days from the date of receipt of a copy of the said order. As the Tribunal is unable to take up contempt proceedings for want of Members, the petitioner filed this writ petition in March, 2017, lamenting that the order passed by the Tribunal has not been implemented.

Sri B.Venkateswarlu, learned counsel representing Sri B.Narayana Reddy, learned Assistant Solicitor General for India, concedes that no writ petition was filed assailing the aforestated order dated 26.08.2016 passed in O.A.No.888 of 2016.

That being so, there is no acceptable reason for the authorities to ignore the direction of the Tribunal or violate the law laid down by the Supreme Court.

Though it is now stated before us that the Department of Personnel and Training, which is the nodal department on administrative matters, is yet to issue directions with regard to implementation of the law laid down by the Supreme Court in *Rajeev Kumar Gupta*¹, we are of the opinion

¹ W.P.(Civil) No.521 of 2008 dated 30.06.2016.

that it is not open to the Union of India to drag its feet while giving effect to the law laid down by the Supreme Court once it attained finality. It is an admitted fact that the review petition moved by the Union of India has already been dismissed.

The writ petition is accordingly disposed of directing the respondents to consider the petitioner's representations dated 05.07.2016 and 08.08.2016 in the light of the law laid down by the Supreme Court in *Rajeev Kumar Gupta*¹ and take appropriate action in the matter. This exercise shall be completed expeditiously and, in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

N. BALAYOGI, J

23rd March, 2017.
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