

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. Nos. 10793 & 29161 of 2016 and 26593 of 2015

COMMON ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Inasmuch as the question of fact and law involved in these three writ petitions is one and the same, these matters are taken up together for disposal by this Common Order.

These writ petitions are filed seeking to quash the order dated 16.07.2014 in O.A.No. 9359 of 2013 passed by the Tribunal.

We note, the Tribunal, while allowing O.A.Nos. 9359 of 2013 and 2173 of 2014 opined that the subject matter of O.A.Nos. 9359 of 2013 and 2173 of 2014 is squarely covered by the subject matter in O.A.Nos. 1079 and 1082 of 2008, which were allowed by the Tribunal, vide order dated 29.06.2012.

We note, in O.A.Nos. 1079 and 1082 of 2008, the Tribunal directed the Government to delete the names of unofficial respondents and other Assistant Executive Engineers from the seniority list and to prepare the seniority list afresh.

In pursuance of the order dated 29.06.2012 passed by the Tribunal, the Government issued fresh seniority list and the same was challenged in O.A.No. 9359 of 2014 as is evident from the prayer which is as under:

“Call for all the relevant and connected records relating to Memo No.SERVICES-IV(1)/ 5346/ 2013, dated 2013 (Final Seniority List of Assistant Executive Engineers), Memo No. Services-IV(1)6970/ 2013, DATED 16.11.2013 (Final Seniority List of Deputy Executive Engineers) and Memo No. G(1)/ 9622/ 2013, dated 14.12.2013 (Integrated Seniority List of Deputy Executive Engineers) issued by the 2nd respondent and quash or set aside the same holding it as arbitrary, contrary to the Special Rules, law laid down by the judicial fora, unjust and as such violative of Articles 14 and 16 of the Constitution of India.”

It seems, the issue raised in O.A.No. 9359 of 2013, which is challenged in the present writ petitions, is not covered by the issued involved in O.A.Nos.1079 and 1082 of 2008. Therefore, we hereby set aside the order dated 16.07.2014 in O.A.No. 9359 of 2013 passed by the Tribunal and remand the matter to the Tribunal with a direction to decide the case afresh by affording an opportunity of hearing to both the parties.

It is to be noted that inasmuch as the Telangana Administrative Tribunal is abolished in view of the separation of the State of Telangana, the parties are at liberty to file appropriate petition before appropriate forum.

With the above observations, the writ petitions are disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

17.07.2017

bcj

SURESH KUMAR KAIT, J

DR. SHAMEEM AKTHER, J