

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

W.P. No. 22926 of 2015

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed seeking to quash the order dated 16.07.2014 in O.A.No. 2173 of 2014 passed by the Tribunal.

We note, the Tribunal, while allowing O.A.Nos. 2173 of 2014 and 9359 of 2013 opined that the subject matter of O.A.Nos.2173 of 2014 and 9359 of 2013 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 petitioners – 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 petitioners - Government issued fresh seniority list and the same was challenged in O.A.No. 2173 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 Memo No. 28478/ Estt.III/ A/ 2013-3, dated 09.05.2014 of the 1st 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. 2173 of 2014, which is challenged by the Government in the present writ petition, 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. 2173 of 2014 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. The seniority of the employees shall be subject to the outcome in O.A.No. 2173 of 2014.

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 petition is 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