

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.29105 of 2017

13.09.2017

Between:

Bharat Sanchar Nigam Limited,
represented by its Chairman-cum-Managing Director,
New Delhi and others

..Petitioners

and

N.Prashanth Rao and others

..Respondents

Counsel for the petitioners: Mrs.Chintalapudi Lakshmi Kumari

Counsel for the respondents: Mr.B.Pavan Kumar for Dr.A.Raghu Kumar

The Court made the following:



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

Feeling aggrieved by order, dated 03.05.2017, in M.A.No.21/1152/2016 in O.A.No.21/748/2016, of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal'), whereby it has dismissed the miscellaneous application filed by the petitioners for vacating interim order, dated 22.07.2016, granted in the aforementioned O.A. in favour of respondent Nos.1 to 6.

2. A perusal of the impugned order shows that while dismissing the vacate stay application of the petitioners, the Tribunal has not assigned any reason with reference to the various averments raised in the reply-affidavit of the petitioners. In our opinion, when an application for vacating the interim order is filed, it is incumbent upon the Tribunal to consider the respective pleas of the parties raised in their pleadings and give reasons either for vacating the interim order or making the same absolute. In other words, the Tribunal must speak its mind through the reasons in support of its decision.

3. As the afore-noted requirement is not complied with by the Tribunal, we set aside the impugned order and restore M.A.No.21/1152/2016 filed by the petitioners for vacating the interim order, to file. The Tribunal shall dispose of the said M.A. afresh, after hearing both the parties, by passing a speaking order within a period of one month from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, allowed to the extent indicated above.

5. As a sequel to allowing the writ petition, W.P.M.P.No.36225 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

13th September, 2017
GHN

