

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

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.28590 of 2017

24.08.2017

Between:

Dr.Y.Babji

..Petitioner

and

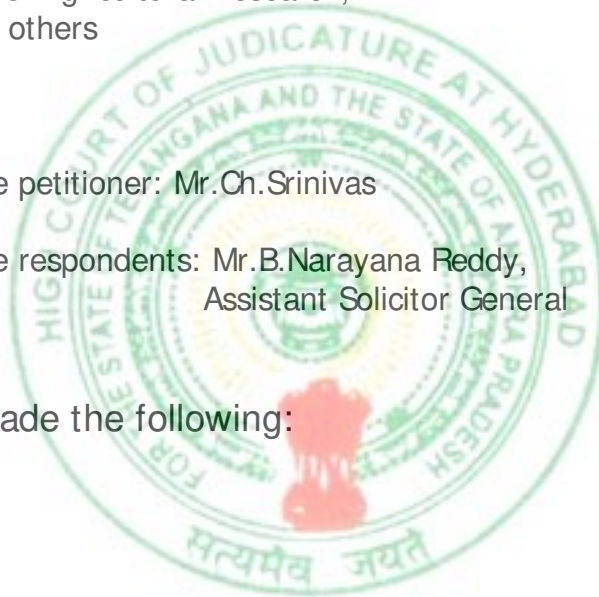
The Union of India,
represented by its Secretary,
Indian Council of Agricultural Research,
New Delhi and others

..Respondents

Counsel for the petitioner: Mr.Ch.Srinivas

Counsel for the respondents: Mr.B.Narayana Reddy,
Assistant Solicitor General

The Court made the following:



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

Feeling aggrieved by the direction given by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal), to post O.A.No.1177 of 2016 in usual course, the applicant therein filed this writ petition.

2. Ordinarily, we refrain from entertaining the writ petitions of this nature. However, we find that the facts of this case are unique warranting our intervention. The petitioner was subjected to a disciplinary enquiry. Assailing the enquiry report of the committee constituted for enquiring into the allegations, the petitioner filed O.A.No.643 of 2016. As the petitioner was transferred on the recommendation of the enquiry committee, he filed O.A.No.1177 of 2016 questioning his transfer to Rajasthan from Hyderabad. The petitioner pleaded that the latter O.A. has been tagged on to O.A.No.643 of 2016 as the result in the said O.A. depended upon the outcome of O.A.No.643 of 2016. As the order in O.A.No.643 of 2016 was not pronounced, evidently O.A.No.1177 of 2016 was segregated and being posted separately. A perusal of the proceeding sheet in O.A.No.1177 of 2016 shows that on 03.08.2017, on a joint request made by the learned counsel for both the parties, the case was directed to be posted under the caption 'For Orders' on the following day i.e., 04.08.2017. On the said adjourned date, the Tribunal has directed the matter to be deleted from the caption 'For Orders' and listed in usual course.

3. The learned counsel for the petitioner has submitted that as the enquiry report was already set aside, O.A.No.1177 of 2016 filed by his client questioning his transfer has to be allowed as the whole basis on

which his transfer was made has disappeared with the order, dated 22.06.2017, allowing O.A.No.643 of 2016 and that therefore, the Tribunal ought to have disposed of O.A.No.1177 of 2016, instead of adjourning the same to be posted in usual course, as a result of which, there is no possibility of the said O.A. being heard in the next two or three years.

4. We find merit in the above submissions of the learned counsel for the petitioner. If the transfer of the petitioner is based on the enquiry report and the said report has been struck down by the Tribunal in O.A.No.643 of 2016, the petitioner is justified in expecting his O.A.No.1177 of 2016 to be disposed of by the Tribunal consequent on the order in O.A.No.643 of 2016.

5. In the above circumstances, the petitioner is permitted to file an application for fixing a specific date for hearing and disposal of O.A.No.1177 of 2016. On such application being filed, the Tribunal shall fix an early date and dispose of the O.A. on its own merits.

6. Subject to the above, the Writ Petition is disposed of.

7. As a sequel to disposal of the writ petition, W.P.M.P.No.35556 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Dr.SHAMEEM AKTHER, J

24th August, 2017
GHN