

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3485 OF 2015

Union of India and ors.	...Petitioners
Versus	
Jayant Kumar Y. Paddar and anr.	...Respondents

WITH

WRIT PETITION NO. 3255 OF 2015

Union of India and ors.	...Petitioners
Versus	
Sudpita Das and ors.	...Respondents

Mrs N.V. Masurkar a/w. Mr. Vinay Masurkar and Ms Nieyaati
V. Masurkar for the Petitioners.
Mr. P.J. Prasad Rao for the Respondents.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M. S. SONAK, J.
DATE : 03.07.2018.**

ORAL JUDGMENT:

- 1] Heard learned counsel for the parties.
- 2] Since common issues of law and fact arise in these matters, it is only appropriate that both these petitions are disposed of by common judgment and order.
- 3] Learned counsel for the parties agree to the adoption of such a course of action.

4] Accordingly, Rule in both the petitions. With the consent of and at the request of learned counsel for the parties, both the petitions are taken up for consideration together and disposed of by a common judgment and order.

5] The challenge in both these petitions is to the common judgment and order dated 6.5.2014 made by the Central Administrative Tribunal (CAT), Mumbai disposing of O.A. Nos. 555 and 556 of 2011.

6] From the perusal of the impugned common judgment and order, it is apparent that the CAT has followed the judgments and orders made by its coordinate bench at Allahabad in M.A. No. 2884 of 2010 and connected matters.

7] The issue, which is involved in this matter, had also come before the Madras Bench of the CAT in O.A. No. 173 of 2014. The Madras Bench, by its detailed judgment and order in O.A. No. 173 of 2014, however, disagreed from the view taken by the Allahabad Bench of the CAT. The matter was ultimately, placed before the Full Bench at Madras,

which has again, taken the view at variance with the Allahabad Bench of the CAT.

8] The issue, which is involved in the present matters, arose for consideration before the Hon'ble Supreme Court in ***Union of India and ors vs. K.V. Rama Raju and ors. (Civil Appeal No. 1350 of 2018 and connected matters)***. These civil appeals were disposed of by the Hon'ble Supreme Court by order dated 30.1.2018. The Hon'ble Supreme Court has expressly upheld the view of the Madras Bench of the CAT. As noted earlier, since the view of the Madras Bench of the CAT was at variance with the view of the Allahabad Bench of the CAT, by implication, it is clear that the view taken by the Allahabad Bench of the CAT, no longer represents the correct position in law insofar as the issues involved in the present matter are concerned.

9] Since, learned counsel for the parties agree that the impugned common judgment and order in the present petitions, is entirely based upon the view taken by the Allahabad Bench of the CAT, in the light of ruling of the Hon'ble Supreme Court in *K.V. Rama Raju (supra)*, the

impugned common judgment and order will have to be set aside.

10] Therefore, following the ruling of the Hon'ble Supreme Court in *K.V. Rama Raju (supra)*, the impugned common judgment and order dated 6.5.2014 is set aside. Rule, in both the petitions, is made absolute in terms of prayer clause (b) in each of the petition. There shall be no order as to costs.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

Dinesh
Sadanand
Sherla

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Sadanand
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