

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION Nos.33443, 33919, 34581 and 34691 of 2018

COMMON ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The Union of India, along with the Debts Recovery Appellate Tribunal, Kolkata, and the Debts Recovery Tribunal-I, Hyderabad, filed these writ petitions aggrieved by the individual interim orders dated 28.08.2018 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, in O.A.Nos.749 of 2018, 750 of 2018, 747 of 2018 and 748 of 2018 respectively.

Admittedly, the petitioners, being the respondents in the aforesaid O.As., did not file their reply affidavits by the time the above interim orders were passed by the Tribunal.

Sri E.Madan Mohan Rao, learned counsel appearing for the respondents-applicants, would inform this Court that it was only after the passing of the above interim orders that reply-affidavits came to be filed before the Tribunal. He would also point out that though the respondents in the O.As. chose to file their reply-affidavits, they did not move any vacate stay applications before the Tribunal.

Sri K.Lakshman, learned Assistant Solicitor General for India, appearing for the petitioners, fairly concedes that the Tribunal did not have an opportunity to test the stand put forth by the authorities by way of their reply-affidavits. He also concedes that no vacate stay applications have been filed by the petitioners so far in the pending O.As.

In the light of the law laid down by the Supreme Court in L.CHANDRA KUMAR V/ s. UNION OF INDIA¹, it is only upon adjudication of an issue by the Tribunal constituted under the

¹ (1997) 3 SCC 261

Administrative Tribunals Act, 1985, that this Court would be entitled to exercise the power of judicial review under Article 226 of the Constitution. As the Tribunal is yet to consider the reply-affidavits filed by the petitioners, the respondents in the O.As., and render an adjudication upon such consideration, we are of the opinion that cause for invoking the power of judicial review vesting in this Court under Article 226 of the Constitution would not arise at this stage. All the more so, when the petitioners-respondents can seek vacating of the interim orders by moving vacate stay applications before the Tribunal.

Sri K.Lakshman, learned Assistant Solicitor General, would state that as the reply-affidavits were already filed, steps would be taken to file vacate stay applications in the pending O.As.

Recording the said statement, the writ petitions are closed. We are certain that in the event vacate stay applications are filed in the pending O.As. and a mention is made to take up the same on priority basis, the Tribunal would oblige as per its convenience.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 25.10.2018
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