

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

I.A.NO.1 OF 2018 IN W.P.NO.46902 OF 2018
AND
WRIT PETITION NO.46902 OF 2018

COMMON ORDER: (per SK,J)

The petitioner is a third party to O.A.No.021/862/2018 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad. By order dated 27.09.2018, the Tribunal allowed the said O.A. The applicant in the said O.A., the third respondent herein, assailed the order dated 18.06.2018 issued by the Director General, National Institute of Rural Development and Panchayat Raj Department, NIRDPA Campus, Hyderabad, whereby he was placed under suspension. By the order presently sought to be challenged, the Tribunal allowed the O.A. and set aside the suspension from service of the third respondent-applicant.

The case of the petitioner before us is that the third respondent-applicant was suspended upon her complaint and the Tribunal ought not to have allowed the O.A. at the first hearing. She filed I.A.No.1 of 2018 seeking leave to maintain the present writ petition.

The aforestated facts would demonstrate that the petitioner was never heard by the Tribunal as she was not a party to the subject O.A. If she has any grievance with regard to the order passed by the Tribunal in the said O.A., it would always be open to her to approach the Tribunal by way of a leave application and seek review of the order passed in the O.A. Be it noted that Section 22(3)(f) of the Administrative Tribunals Act, 1985, vests the Tribunal with the power of reviewing its decisions. As the petitioner's case was never heard by the Tribunal, we are of the opinion that allowing her to come directly before this Court and place the same

before us for adjudication would be in violation of the mandate of the Supreme Court in L.CHANDRA KUMAR V/ s. UNION Of INDIA¹, which held to the effect that the Tribunal should always be the Court of the first instance.

I.A.No.1 of 2018 is accordingly dismissed refusing leave to the petitioner to maintain this writ petition. In consequence, W.P.No.46902 of 2018 is also dismissed. This order shall however not preclude the petitioner from approaching the Tribunal to work out her remedies in relation to the order dated 27.09.2018 passed in O.A.No.021/862/2018.

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



SANJAY KUMAR,J

M.GANGA RAO,J

Date:27.12.2018

GJ

¹ (1997) 3 SCC 261