

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

I.A.No.1 OF 2019
IN
W.P.No.7354 of 2019
AND
W.P.No.7354 of 2019

ORDER:

(Per Sanjay Kumar, J)

1 The petitioner in this Writ Petition is a third party to O.A/21/1250/2018 on the file of the Central Administrative Tribunal, Hyderabad Bench (for short, 'the Tribunal'). He seeks leave, by way of I.A.No.1 of 2019, to file this Writ Petition, challenging the order dated 02.01.2019 passed by the Tribunal in the said O.A. By way of the said order, the Tribunal directed the authorities to include the name of the applicant in the O.A, the 4th respondent herein, in the list of eligible candidates for the post of Assistant Commissioner in terms of the proceedings dated 03.8.2017.

2 Mr. N.Vijay, learned counsel for the petitioner, would argue that the aforestated interim order granted by the Tribunal practically amounts to allowing the O.A itself as the main relief sought therein has been extended to the applicant, the 4th respondent herein, by way of the interim order. He would further contend that the Tribunal failed to understand the decisions of the Supreme Court referred to in the body of the order in the proper perspective.

3 However, it is an admitted fact that the petitioner did not even take any steps to get himself impleaded in the pending O.A and seek relief if he was aggrieved by the aforestated order dated 02.01.2019 passed by the Tribunal. In the light of the law laid down by the Supreme Court in L.Chandra Kumar vs. Union of India¹ this Court is not the Court of first instance when it comes to adjudication of service disputes relating to

¹ 1997 (2) SCR 1186

employees of the Central Government or its notified undertakings. The Tribunal necessarily has to be approached in the first instance and it is only thereafter that the validity of any order passed by the Tribunal can be reviewed by this Court. As the petitioner never went before the Tribunal to ventilate his grievance with regard to the order dated 02.01.2019 passed by the Tribunal in O.A/21/1250/2018, we are of the opinion that he cannot be permitted to approach this Court directly. I.A.No.1 of 2019 is accordingly dismissed. In consequence, Writ Petition No.7354 of 2019 is also dismissed.

4 This order however shall not preclude the petitioner from approaching the Tribunal by way of an appropriate application for seeking impleadment so as to ventilate his grievance in the pending O.A. We make it clear that we have not gone into merits of the matter and it is for the Tribunal to adjudicate the issue sought to be raised by the petitioner on its own merits and uninfluenced by the dismissal of the Writ Petition.

5 As it is stated that the interim order granted by the Tribunal may have adverse consequences upon the petitioner and others who were not even made parties to the O.A, we request the Tribunal to give priority to any applications filed by the petitioner in the pending O.A and pass appropriate orders thereon expeditiously.

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

SANJAY KUMAR, J.

AMARNATH GOUD, J.

Dt: 09.04.2019
Kvsn