

High Court for the State of Telangana

The Hon'ble The Acting Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A.Rajasheker Reddy

W.P. Nos. 8928 & 8933 of 2019

Date: 26-04-2019

WP.No.8928/2019

Between:

T. Ramalakshmi

...Petitioner

and

The Union of India,
Rep. by its Secretary
Ministry of Finance, Department of Revenue
North Block, New Delhi and 4 others

...Respondents

WP.No.8933/2019

Between:

M.A.Ravoof and 3 others

...Petitioners

and

The Union of India,
Rep. by its Secretary
Ministry of Finance, Department of Revenue
North Block, New Delhi and 4 others

...Respondents

Counsel for the petitioners: Mr. Ch. A. B. Satyanarayana

**Counsel for the respondents: Mr. K. Lakshman,
Asst. Solicitor General**

The Court made the following:

Common Order: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

Since both these writ petitions arise out of a common order, and since the issues involved therein are common, these two writ petitions are disposed of together, with the consent of the learned counsel for the petitioners.

The petitioners in both these writ petitions have challenged the legality of the common order dated 18-04-2019, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal'), in O.A.Nos.79 and 95 of 2019, whereby the learned Chairman has made the following observations:-

"Pending detailed examination on the issue, we direct that the consideration of the case of the applicant in compliance with the interim order dt. 29-01-2019 shall not be detrimental to the seniors in the unit and the interim order shall not be considered as basis for alteration of seniority."

By order dated 29-01-2019, the learned Tribunal has merely observed as under:-

"There shall be interim direction to the respondents to include the name of the petitioner in the list of eligible candidates to the post of Assistant Commissioner in terms of the proceedings dated: 03.08.2017 and in view of the afore-referred judgments."

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The learned counsel for the petitioners pleads that the issue, whether the previous service rendered by the petitioners should be included while calculating their seniority or not, is well settled by a series of decisions passed by the other Benches of the learned Tribunal, as well as the judgments of the Hon'ble Supreme Court. On the basis of these judgments, the Government itself issued a letter dated 03-08-2017, whereby it has directed that the previous service shall be included for calculating the seniority of an employee. The learned counsel submits that the direction contained in letter dated 03-08-2017, issued by the Government of India, has already been implemented in other Commissionerates, while it is not being implemented in the Hyderabad Commissionerate. Therefore, the petitioners continue to suffer. Moreover, since the cases of the petitioners are not being decided by the learned Tribunal expeditiously, the petitioners continue to suffer for no fault of theirs.

Heard the learned counsel for the petitioners, and perused the impugned order.

A bare perusal of the orders, dated 29-01-2019 and dated 18-04-2019, clearly reveal that, by the latter order, merely a clarification has been given by the Tribunal that the interim order dated 29-01-2019, shall not be detrimental to the interests of the seniors in the unit, and would not form the basis for alteration of the seniority. Therefore, the order dated 18-04-2019, is merely clarificatory in nature, and does not modify the order dated 29-01-2019.

However, as the case deals with the interests of both the petitioners and the respondents, and since the issue *prima facie* seems to be covered by the judgments passed by the principal bench of the Tribunal, and by the Hon'ble Supreme Court, no fruitful purpose would be served if the OAs are kept pending for a long time. Therefore, this Court requests the learned Tribunal to hear O.A.Nos.79 and 95 of 2019 as expeditiously as possible.

With these directions, these two writ petitions stand disposed of.

As a sequel, miscellaneous petitions, pending if any,
stand disposed of as infructuous.

(Raghvendra Singh Chauhan, ACJ)

(A.Rajasheker Reddy, J)

Dt: 26th April, 2019
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