

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 21348 of 2016

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

The Union of India and its officials filed this writ petition aggrieved by the order dated 18.02.2016 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.122 of 2015.

By order dated 15.07.2016, this Court granted interim stay of the order under challenge.

Perusal of the order passed by the Tribunal reflects that there was no independent adjudication of the issue raised before it by the unofficial respondents herein. The Tribunal merely followed the order dated 13.11.2013 passed by the Principal Bench at New Delhi in O.A.No.4101 of 2012 and the order dated 16.01.2014 passed by the Calcutta Bench of the Tribunal in O.A.No.172 of 2012. Basing on the said orders, the Tribunal granted relief to the unofficial respondents.

Sri B. Narasimha Sarma, learned counsel for the petitioners, would inform this Court that the order passed by the Principal Bench of the Tribunal at New Delhi in O.A.No.4101 of 2012 and the order passed by the Calcutta Bench of the Tribunal in O.A.No.172 of 2012 are subjected to challenge before the jurisdictional High Courts and the same are pending consideration.

In that view of the matter, as there is no independent adjudication by the Hyderabad Bench of the Tribunal in O.A.No.122 of 2015, which can be subjected to examination by this Court, the petitioners herein are directed to abide by the final result of their challenge against the orders in O.A.No.4101 of 2012 on the file of the Principal Bench of the Tribunal at

New Delhi and O.A.No.172 of 2012 on the file of the Calcutta Bench of the Tribunal. If the petitioners fail in their challenge to the aforestated orders before the jurisdictional High Courts and extend relief to the applicants in the said O.As, the unofficial respondents in this writ petition would also be entitled to the same relief. In the event the petitioners succeed in their challenge before the jurisdictional High Courts, the order dated 18.02.2016 passed by the Hyderabad Bench of the Tribunal in O.A.No.122 of 2012 shall stand set aside.

Sri T. Koteswara Rao, learned counsel for the unofficial respondents, is agreeable to the disposal of the writ petition on the above terms.

The writ petition is accordingly disposed of. Interim order dated 15.07.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

N. BALAYOGI, J

Date: 28.03.2017
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