

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE K.LAKSHMAN**

WRIT PETITION Nos.10849 and 10545 OF 2020

COMMON ORDER: *(per Hon'ble Sri Justice A.Rajashekeer Reddy, J)*

These writ petitions are filed challenging the orders passed in OA.Nos.021/1056/2019 and 021/1057/2019 dt.23.01.2020, by the Central Administrative Tribunal, Hyderabad Bench, wherein and whereby the Administrative Tribunal granted relief to the respondents at the admission stage.

Sri T.S.Venkata Ramana, learned Standing Counsel for the petitioners submits that the Tribunal without giving them proper opportunity of filing counters, allowed the OAs at the admission stage and that the Tribunal has not followed the purport of the Judgment of the Honourable Supreme Court in I.A.No.18573/2019 in Miscellaneous Application No.346/2019 in Miscellaneous Application No.1202/2018 in petition for Special Leave to Appeal No.508/2018, on which reliance is placed. He also submits that the respondents have taken a conscious decision not to make any appointments when formalities are not completed by 27.10.2017, but that aspect was also not considered by the Tribunal. He further submits that had the opportunity of filing counter been given to them, they could have explained the same. He also submits that the case of one L.Nageswara Rao on which the

Applicant is relying on stands different footing and more so, he is not made as party in the OA.

On the other hand Sri G. Pavana Murthy, learned counsel appearing for respondent/applicant in both the OAs, submits that discretion is given to the authorities to consider the representations of the concerned employees and the Hon'ble Supreme Court has not fixed any time limit and more so petitioner has completed all the formalities except medical examination. He further submits that one L.Nageswara Rao, who stands on the same footing was given appointment under the same scheme, as such, the same is discriminative.

In this case it is to be seen that both the learned counsel argued the case on merits, after hearing them, we are of the opinion that the matter requires filing of counter. The Tribunal ought to have granted time for filing counter and after counter is filed, could have disposed of the OAs. But, the Tribunal without giving opportunity of filing counter, disposed of the OAs, at the admission stage.

In view of the above, without expressing any opinion on the merits of the matter, only on the ground of sufficient opportunity was not granted to the respondents for filing counter, the impugned order is set aside. It is open for the parties to raise all the contentions raised herein and any other contentions, before the Tribunal and the Tribunal is to consider the same and dispose of the OAs.

Accordingly, both the Writ petitions are allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY, J

K.LAKSHMAN, J

23.07.2020
kvs/tk



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(Order of the Division Bench delivered by Hon'ble Sri Justice A.Rajasheker Reddy)



Date: 23.07.2020

KVS