

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9345 OF 2005

The Union of India

Through the Secretary, Ministry of

I and B, New Delhi and Ors.

... Petitioner

V/s.

Mukund Govind Yevalekar and Ors.

... Respondents

Mr. Neel Helekar i/b. Ms. Anjali Helekar for the Petitioner

Mr. L.S. Shetty with Juhi Masani i/b. L.S. Shetty & Associates for the
Respondent Nos. 1 to 4

***CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.***

DATE : 17 OCTOBER 2023

P.C. :-

On 25 September 2023, the following order was
passed :-

“ Heard the learned counsel for the parties.

2. The Central Administrative Tribunal (CAT) in the impugned order has followed the decision taken by the Principal Bench in Original Application No.322 of 2001 dated 5 December 2002 and of Bench at Bengaluru in Original Application Nos.949 of 2003, 235 of 2004 and 236 of 2004 dated 5 May 2004. Before the Tribunal, the Union of India states that the

Petitioner had contended that these decisions are not final as the Union of India has filed Writ Petitions against these orders. Since the Tribunal in the impugned order has followed the decisions taken by the Principal Bench at Bengaluru Bench it would be necessary to ascertain the outcome of the Writ Petitions filed by the Petitioner Union of India challenging these decisions. The learned counsel for the parties state that they are not aware of the outcome and seek time.

3. Stand over to 17 October 2023 on the Admission Board under the caption "For Directions".

2. The learned Counsel for the parties have placed before us the orders passed by the Karnataka High Court confirming the order passed by the Principal Bench. There is consensus at the bar that the order passed by the Principal Bench which is followed by the Tribunal while passing the impugned order was challenged and the challenge was negatived and against the Union of India. The learned Counsel for the Respondent states that interim order passed in this Petition was challenged by way of Special Leave Petition and that challenge was also negatived.

3. There is therefore no merit in the challenge raised in this Petition.

4. The Writ Petition is accordingly dismissed.

MANJUSHA DESHPANDE, J.

NITIN JAMDAR, J.