



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2924 of 2012

1. Union of India
2. The D.G.O.F./Chairman,
Ordnance Factory Board, Kolkata
3. The General Manager,
Ordnance Factory, Ambajhari,
Nagpur

... Petitioners

Versus

1. H.S. Meshram
2. T.K. Pillai
3. D.N. Tiwari
4. S.V. Deogade
5. S.S. Lichade
6. Central Administrative Tribunal,
Bombay, Bench Bombay,
Camp at Nagpur

... Respondents

Mr. S.A. Chaudhari, Counsel for Petitioners.

Mr. B. Lahiri, Counsel for Respondent Nos.1 to 5.

CORAM : NITIN JAMDAR AND NITIN W. SAMBRE, JJ.

DATE : 12 SEPTEMBER 2024

P. C. :

Heard the learned counsel for the Petitioners.

2. The Petitioners have challenged the order passed by the Central Administrative Tribunal dated 19 October 2011 in Original Application No.2211 of 2011.

3. Having perused the order under challenge, we do not deem it necessary to keep this Writ Petition pending, as the impugned order itself has protected the interest of the Petitioners by putting the Respondent Nos.1 to 5-Original Applicants under certain conditions. The Respondent Nos.1 to 5-Original Applicants had sought financial upgradation with consequential benefits. The Respondent Nos.1 to 5-Original Applicants had relied upon the order dated 23 March 2007 passed by the Tribunal in Original Applications No.2011 of 2006, 2190 of 2004 and 2201 of 2004.

4. By the impugned order, the Tribunal had disposed of the Original Application by accepting the statement of the Respondent Nos.1 to 5-Original Applicants that they would file an undertaking that in case the Petitioners succeed in their challenge to the order passed by the Tribunal, which they relied upon, the Respondent Nos.1 to 5-Original Applicants would return the amount received by them.

5. Therefore, as far as the impugned order passed by the Tribunal is concerned, it does not adjudicate the issue. If the Petitioners succeed in their substantive challenge, then the Respondent Nos.1 to 5-Original Applicants will have to refund the amount as per the undertaking.

6. Reiterating the aforesaid condition placed by the Tribunal on the Respondent Nos.1 to 5-Original Applicants, we dispose of the Writ Petition. Rule discharged. No costs.

(NITIN W. SAMBRE, J.)

(NITIN JAMDAR, J.)