

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

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

WRIT PETITION NO: 11227 OF 2020

Between:

1. General Manager, South Central Railway, 3rd Floor, Rail Nilayam, Secunderabad-500073.
2. The Principle Chief Personnel Officer, South Central Railway, 4th Floor, Railnilayam, Secunderabad-500073.
3. The Divisional Railway Manager, South Central Railway, Secunderabad Division, 4th Floor, Sanchalan Bhavan, Secunderabad-500071.
4. The Senior Divisional Personnel Officer, South Central Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad-500071.

...PETITIONERS

AND

1. The Registrar, The Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
2. Shri. Laliya, S/o. Chandraiah, Aged 59 years, Group C, working as Trackman, IV/South Central Railway, O/o. SSE/P.Way/VKB, R/o. 4/50, Dornal Thanda, Dharur Mandal, Vikarabad Dist., Telangana- Pin.501121

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature Writ of Certiorari by calling for the order dt.22.01.2020 in O.A.No.021/0078/2020 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench and declare the same as illegal, arbitrary, capricious and contrary to the judgment of Apex

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dt.22-01-2020 in O.A.No.21/0078/ 2020 on the file of Central Administrative Tribunal, Hyderabad Bench pending disposal of the Writ Petition

Counsel for the Petitioners: SRI T. S. VENKATARAMANA

Counsel for Respondent No. 1: ---

Counsel for Respondent No. 2: SRI PAVAN MURTHY

The Court made the following: ORDER

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

WRIT PETITION No. 11227 OF 2020

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

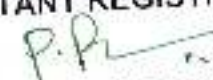
Sri T.S. Venkata Ramana, learned Standing Counsel for the petitioners submits that the lis in this writ petition is squarely covered by the Common Orders of this Court in W.P. Nos. 10849 and 10545 OF 2020, dated 23.07.2020 and same is not disputed by Sri Pavana Murthy, learned counsel for the respondent No. 2.

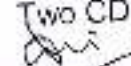
In view of the above and for the reasons alike in the Common Order dated 23.07.2020 in WP Nos. 10849 and 10545 of 2020, this Writ petition is allowed.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Let a copy of Common Order in W.P. Nos. 10849 and 10545 OF 2020, dated 23.07.2020 be annexed with this order.

//TRUE COPY//

Sd/-I. NAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. The Registrar, The Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
 2. The General Manager, South Central Railway, 3rd Floor, Rail Nilayam, Secunderabad-500073.
 3. The Principle Chief Personnel Officer, South Central Railway, 4th Floor, Railnilayam, Secunderabad-500073.
 4. The Divisional Railway Manager, South Central Railway, Secunderabad Division, 4th Floor, Sanchalan Bhavan, Secunderabad-500071.
 5. The Senior Divisional Personnel Officer, South Central Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad-500071.
 6. One CC to Sri T S Venkataramana Advocate [OPUC]
 7. One CC to Sri Pavan Murthy Advocate [OPUC]
(Along With a copy of Common Order dated 23.07.2020 in W.P. Nos. 10849 & 10545 of 2020)
 8. Two CD Copies
- MBC 

HIGH COURT

ARR,J
&
KL,J

DATED: 30/07/2020

ORDER

WP.No.11227 of 2020



ALLOWING THE WRIT PETITION AT THE
STAGE OF ADMISSION, WITHOUT COSTS

SSV
9 copies
Dtd 19/8/2020

**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. Rajashekar 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
rva/tk