

(2018) 04 BOM CK 0106
In the Bombay High Court
Case No : WRIT PETITION NO. 285 OF 2009

REEMA R. RELE AND ORS.

APPELLANT

Vs

HEMANT R. MHATRE AND ORS.

RESPONDENT

Date of Decision : 16-04-2018

Acts Referred:

Constitution of India, — Article 14, 16, 309
Bombay Police Act, 1951 — Section 57

Citation : (2018) 04 BOM CK 0106

Hon'ble Judges : V. K. TAHILRAMANI, J, M. S. SONAK, J

Bench : Division Bench

Advocate : Suresh Kumar, Priyanka Tiwari, G.K. Masand, A.A. Manwani,
Saikumar Ramamurthy

Final Decision : Dismissed

Judgement

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1] Heard learned counsel for the parties.,,,,,,

2] With the consent of and at the request of learned counsel for the parties, all these petitions are taken up for consideration together and disposed of by a common judgment and order. Even otherwise, the issues involved in all these petitions",,,,,,

are interlinked and therefore, it is only appropriate that all these petitions are taken up and disposed of together by common judgment and order.",,,,,,

3] Writ Petition No. 1708 of 2004 has been instituted by Hemant R. Mhatre and 17 others, hereafter referred to as 'Tool Checkers' to question the judgment and order dated 22nd October 2003 made by the Central Administrative Tribunal",,,,,,

(CAT), Mumbai in O.A. No. 528 of 2001 instituted by them, to the extent, it directs the respondents in the said O.A. to take a decision on the issue of merger of cadres only with prospective effect.",,,,,,

4] The petitioners in Writ Petition No. 1708 of 2004 (Tool Checkers) contend that there ought to be merger of cadres, but with a retrospective effect, i.e., from 25th June 1985 and not merely with prospective effect. Therefore, the main issue",,,,,,

involved in Writ Petition No. 1708 of 2004 is whether the merger of the cadre of Tool Checkers with that of ministerial cadre (Junior Clerks) should be with prospective effect or whether the same should be retrospective with effect from 25th,,,,,,

June 1985.,,,,,,

5] In pursuance of the judgment and order dated 22nd Â October 2003 in O.A. No. 528 of 2001, the Union of India (Western Railway) issued order dated 26th May 2004, actually merging the cadres of Tool Checkers and Junior Clerks. This",,,,,,

was subject to certain conditions, including, condition No.vii in the matter of determination of seniority in the merged cadre. This condition, inter alia, provided that on the merger of cadre of Tool Checkers with the cadre of Junior clerks, the",,,,,,

seniority of Tool Checkers vis-a-vis Junior ClerksÂ may be decided on the basis of entry into grade of Tool Checkers/Junior Clerks on regular basis.,,,,,,

6] However, it was the case of the Tool Checkers that despite the clear condition in clause vii of the order dated 26th May 2004, this principle of determination of seniority on the basis of entry into the respective grades on regular basis was",,,,,,

ignored and promotions were sought to be made to the promotional post of senior clerks, based on a seniority list prepared in breach of clause vii. Therefore, the Tool Checkers instituted O.A. No. 466 of 2005 before the CAT to question",,,,,,

promotion order dated 3rd February 2005 and seek consequential reliefs.,,,,,,

7] The CAT, by the judgment and order dated 22nd February 2008 upheld the contention of Tool Checkers, quashed and set aside promotion order dated 3rd February 2005 and directed the Union of India (Western Railway) to make",,,,,,

promotions to the post of Senior Clerks on the basis of general seniority published on 25th January 2005 alongwith all consequential benefits.,,,,,,

8] Aggrieved by the judgment and orderÂ dated 22nd February 2008 in O.A. No. 466 of 2005, the Union of India (Western Railway) and Junior Clerks have instituted Writ Petition No.6473 of 2008 and Writ Petition No. 285 of 2009 seeking",,,,,,

quashment of the same.Â,,,,,

9] In Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009, both

Union of India and Junior Clerks applied for, but did not succeed in obtaining any interim reliefs. In such circumstances, the Union of India was required to follow the" ,,,,,,

directions issued by the CAT in the order dated 22nd February 2008. However, the Union of India issued seniority list/order dated 22nd January 2011, which, according to the Tool Checkers, dilutes the effect of judgment and order dated 22nd" ,,,,,,

February 2008 issued by the CAT in O.A. No. 466 of 2005. Therefore, the Tool Checkers instituted O.A. No. 105 of 2011 before the CAT to question the seniority list/order dated 22nd January 2011." ,,,,,,

10] However, the CAT, by order dated 29th November 2013, has dismissed O.A. No. 105 of 2011, not on merits, but by observing that since, the High Court is seized of connected issues in Writ Petition No.1708 of 2014, Writ Petition No.6473" ,,,,,,

of 2008 and Writ Petition No. 285 of 2009, it will not be appropriate for the CAT to tread on the toes of the Hon'ble High Court and entertain O.A. No. 105 of 2011. Aggrieved by the order dated 29th November 2013 in O.A. No. 105" ,,,,,,

of 2011, Tool Checkers have instituted Writ Petition No. 590 of 2014." ,,,,,,

(b) Whether the Union of India (Western Railway) was right and justified in issuing promotion order dated 3rd February 2005 by ignoring the seniority list dated 25th January 2005 and relying upon a seniority list in variance with clause vii of ,,,,,,

the merger order dated 26th May 2004 ? (In Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009),,,,,,

(c) Whether the Union of India (Western Railway) was right and justified in issuing seniority list /order dated 22nd January 2011 ? (In Writ Petition No. 590 of 2014),,,,,,

12] Insofar as the first issue is concerned, Mr. Ramesh Ramamurthy, learned counsel for the Tool Checkers (Petitioners) in Writ Petition No. 1708 of 2004, submits that a policy decision was taken on 16th July 1985 to effect cadre review and" ,,,,,,

restructuring of Group 'C' and Group 'D' staff in terms of Railway Board's letter dated 25th June 1985. He submits that in pursuance of the Railway Board's letter such restructuring, which includes merger of cadres of Tool Checkers and" ,,,,,,

ministerial cadres like Junior Clerks were in fact effected in Eastern Railways as well as Central Railways. However, without any rhyme or reason, no such restructuring or merger was effected at the Western Railway to the utmost prejudice" ,,,,,,

of the Tool Checkers at the Western Railway.,,,,,,

13] Mr. Ramamurthy submits that insofar as Central Railways are concerned, restructuring and merger was effected at a later date, but was given retrospective effect from 25th June 1985. He therefore, submits that the CAT though justified",,,,,,

in directing the respondents to take a decision on the issue of merger, was not at all justified in directing the respondents to effect merger with prospective effect and not retrospective effect. Besides, he submits that the CAT has incorrectly",,,,,,

proceeded on the basis that "Tool Checkers" was an ex-cadre post, which it was not. For all these reasons, Mr. Ramesh Ramamurthy submits that the impugned judgment and order dated 22nd October 2003 in O.A. No. 528 of 2001, to",,,,,,

the extent, it directs prospectivity and closes option of retrospectivity warrants interference.",,,,,,

14] The CAT, in the impugned judgment and order dated 22nd October 2003 in O.A.No. 528 of 2001 instituted by the Tool Checkers, has given reasons as to why the scheme of merger, if at all adopted, ought to be prospective. Such reasons,",,,,,,

are set out in paragraphs 11 and 12 of the CAT's order dated 22nd October 2003 and the same read as under:,,,,,

"11. However, we have also considered the submission that an outright merger at this stage without involving and impleading the affected parties like the junior grade clerks, it may lead to endless litigation and counter litigation. Hence no",,,,,,

action at this stage will be desirable which will generate counter litigation from the affected parties. It is a fact that the applicants have not impleaded all the parties who are likely to be affected by any merger at this stage. It is also a fact that,,,,,

this merger has taken place in other Railways as early as in 1982-83. The applicants slept over the issue for such a long time to wake up belatedly only in 2000-2001. Considering all aspects of the submissions by both the sides, we dispose of",,,,,,

this application with the following directions.,,,,,,

12. The Respondents are already seised of the problem and we hope that they will be taking a decision on the matter within a reasonable period the outer limit being six months. But, they would be at liberty also to take such decision which",,,,,,

does not generate further casual or germinate frustration among others and the

lead to endless litigation in the matter from the affected parties who have not been impleaded. We also direct that the decision to merger even if it is considered," ,,,,,,

should be only prospective as far as practicable and the Recruitment Rules should be suitably amended so that the status of the Tool Checkers grades is determined once for all whether by way of keeping them as ex-cadre or by merging them, ,,,,,,

with the Ministerial Staff. As such action has already been taken in other Railways, no further morale need be spelt at this stage. The OA is disposed of with these observations. No orders as to costs.â??" ,,,,,,

15] The CAT has basically indicated two reasons. The first reason is that the Tool Checkers instituted the O.A. only in the year 2001 and there is no explanation for not instituting the O.A., soon after issuance of Railway Board's letter dated" ,,,,,,

25th June 1985Â or the actual restructuring in other sections ordered with effect from 16th July 1985 or 1987. The second reason is that the Tool Checkers in their O.A. No. 528 of 2001, had not impleaded, even in representative capacity," ,,,,,,

any members from the ministerial cadre or from the cadre of Junior clerks, who would naturally be affected, at least to some extent, if the merger were to be ordered with retrospective effect." ,,,,,,

16] In our opinion, both these reasons are quite valid and warrant no interference. In the first place, there is hardly any explanation as to why the Tool Checkers, did not approach the CAT earlier with their grievances. Secondly, there is also no" ,,,,,,

explanation as to why the members of the ministerial cadre/Junior Clerks were not impleaded in representative capacity to O.A. No. 528 of 2001. In such circumstances, there is nothing illegal or unreasonable about the direction issued by the" ,,,,,,

CAT to consider the merger with prospective effect.,,,,,,

17] Apart from the two reasons given by the CAT, we are required to note that restructuring or merger is basically, a policy decision. Therefore, the issues as to whether such restructuring or merger, ought to be from a particular date," ,,,,,,

prospective or retrospective, are again, matters of policy. No doubt, merely because these are matters of policy, there can be no arbitrariness or unreasonableness. However, in the absence of any mala fides, unreasonableness or arbitrariness," ,,,,,,

the scopeÂ of judicial review in such matters, is extremely limited." ,,,,,,

18] Any direction to merge cadres with retrospective effect from 25th June 1985 might have given rise to claims from employees, who were in service in the year

1985, but no longer in service when the actual merger decision was taken some" ,,,,,,

time after 22nd October 2003. This might have resulted in very serious upheaval in the merged cadre or for that matter the cadres prior to their merger. Since, no members of any particular cadre can insist, as a matter of right, to have any" ,,,,,,

restructuring or merger, it follows that there can be no bar to the Union of India (Western Railway) considering the issue of restructuring or merger in a phased manner, if the exigencies so demand. Again, as noted earlier, the scope of judicial" ,,,,,,

review in such matters, which are basically matters of policy, is quite limited.Â" ,,,,,,

19] In S.P. Shivprasad Pipal vs. Union of India and ors. - (1998) 4 SCC 598, the Hon'ble Supreme Court has held that under Articles 309 of the Constitution of India, there is wide power to regulate recruitment and conditions of service and the" ,,,,,,

same would include the power to constitute a new cadre by merging certain existing cadres. The decision to merge cadre is essentially a matter of policy and therefore, the scope of judicial review in such matters is extremely limited." ,,,,,,

20] In Director, Lift Irrigation Corporation Ltd. and ors. Vs. Pravat Kiran Mohanty and ors. - (1991) 2 SCC 295, the Hon'ble Supreme Court has held that the decision to amalgamate existing cadres by reorganizing into two cadres was a" ,,,,,,

policy decision taken on administrative exigencies. Such policy decision is not open to the judicial review unless it is mala fide, arbitrary or bereft of any discernible principles." ,,,,,,

21] Taking into consideration the restrictive parameters of judicial review in such matters and also the reasons stated by the CAT and the Union of India (Western Railway) , we see no reason to interfere with the impugned judgment and order" ,,,,,,

dated 22nd October 2003 in O.A. No. 528 of 2001. The first issue for determination stands answered ,,,,,,

22] The second issue concerns the promotion order dated 3rd February 2005, on basis of which, certain Junior Clerks were ordered to be promoted to the post of Senior Clerks on regular basis by ignoring the seniority list dated 25th January" ,,,,,,

2005. ,,,,,,

Â 23] In order to determine this issue, reference is necessary to the order dated 26th May 2004, by which, actual merger was effected between cadres of Tool Checkers and cadre of Junior Clerks/ministerial cadre. The order dated 26th

May",,,,,,

2004 reads as follows:,,,,,

â??WESTERN RAILWAY,,,,,

Head quarters office Church gate Mumbai --- 20,,,,,

No.EM834/8/5/5 Vol. II PL W/ShopÂ Â Dt.26.05.2004,,,,,

Sub: O.A. No. 528/2001 Shri P.B. Pancikar & others V/S. Western Railway & others - Regarding Merger of Tool checker with Ministerial staff.,,,,,,

Ref: CWM â?" PL's letter No. E 839/Merger Seniority/CW/TC Vol. IÂ Â MC dt. 29.04.2004.,,,,,,

The following action may be taken to implement the CAT/Mumbai's decision on above CAT case keeping in view Railway Board's guidelines issued vide PCIII/2002/CTC-I/4 dt. 25.03.2004.,,,,,,

(i) The cadre of Tool checkers of parel and Mahalaxmi may be merged with Ministerial cadre with prospective effect. The relevant recruitment rules and regulations should be modified accordingly. As the existing ministerial staff are likely to,,,,,

be affected by the merger of the cadre of Tool checkers with ministerial cadre, this may be done taking into confidence both the recognized unions." ,,,,,,

(ii) Unconditional option is to be obtained from the Tool checkers as to whether they intend to get merged with the ministerial cadre with prospective effect or to continue in ex-cadre posts to repatriate to their parent artisan cadre. No,,,,,

conditional option will be entertained. In case any employee gives a conditional option, it shall be deemed to be invalid and he shall be merged with the ministerial staff." ,,,,,,

(iii) The employees who submit option for merger with ministerial cadre, their posts may be merged with the ministerial cadre." ,,,,,,

(iv) The employees who want to continue to work in ex-cadre post/parent cadre, may be allowed to continue in the ex-cadre post/repatriated to their parent cadre as the case may be. The posts to the extent of employees intend to continue in" ,,,,,,

the ex-cadre post of Tool checkers should be continued to operate as ex-cadre post and on its vacation by the incumbent of the post; the same can be merged with the ministerial cadre. The post vacated by the employees who will be,,,,,

repatriated to their parent cadre as per option will be merged with the ministerial cadre. Further promotion will be as per existing AVC available to ministerial staff.,,,,,,

3,â?? Prassanna B.,â?,"Tool checker,8255,20.06.1987,--
 4,â??Sailesh Kumar B.,--,Tool checker,6770,26.09.1987,--
 5,â?? Ramesh Tanaji,--,Tool checker,6805,26.09.1987,--
 6,â?? Guatam C.,SC,Tool checker,8425,31.08.1988,--
 7,â?? Mahesh M.,--,Tool checker,6807,31.08.1988,--
 8,â?? Rajendra,--,6893,05.11.1988,--
 9,â?? Janardhan S.,--,Tool checker,6783,05.11.1988,--
 10,â?? Ramdhani C.,--,Tool checker,6051,07.08.1990,--
 11,â?? Lalchandra B.,--,Tool checker,6310,11.04.1991,--
 12,â?? K.K. Panikar,--,Junior clerk,,11.04.1991,Adhoc Sr.Clerk
 13,Smt. Snehal B. Mohite,--,Junior clerk,,11.04.1991,Adhoc Sr.Clerk
 14,Shri Pramod A.,--,Tool checker,798,09.11.1991,--
 15,â?? Dadoo B. Hatale,SC,Junior clerk,,01.01.1992,Adhoc Sr.Clerk

contention of Mr. Suresh Kumar will therefore, have to be rejected." ,,,,,,

45] There is no clarity as to when the vacancies have really arisen. There is no material on record to support the contention of Mr. Suresh Kumar that the vacancies have arisen prior to the merger and therefore, the Tool Checkers, need not" ,,,,,,

be considered for promotion to such vacancies in the posts of Senior Clerks. In the absence of clear material, we see no reason to fault the view taken by the CAT. Even otherwise, we are of the opinion that it would grossly unjust to exclude" ,,,,,,

the Tool Checkers altogether from consideration for promotion to the post of Senior Clerks. The effect of such exclusion would also amount to wiping out of the service of the Tool Checkers prior to merger for purposes of promotion. The ,,,,,,

CAT has considered the matter in the proper prospective and there is neither any jurisdictional error nor perversity in the impugned judgment and order dated 22nd February 2008 in O.A. No. 466 of 2005, so as to warrant interference." ,,,,,,

46] Mr. Masand contended that the Union of India suppressed the letter dated 29th December 2010 issued by their own Chief Personnel Officer (IR), in which, the Chief Personnel Officer (IR) has suggested his interpretation as regards the" ,,,,,,

term â??prospectiveâ?. Mr. Masand submits that were this letter produced before the CAT, the verdict in O.A. No. 466 of 2005 would be different. This submission

was made by Mr. Masand despite the fact that Union of India and the",,,,,,

Junior Clerks are on the same side and in unison attack the judgment and order dated 22nd February 2008 in O.A. No. 466 of 2005.,,,,,,

47] The contention as projected, is quite misconceived. In the first place,Â the letter dated 29th December 2010 was not even in existence when the CAT disposed of O.A. No. 466 of 2005, by judgment and order dated 22nd February 2008." ,,,,,,

Besides, the letter dated 29th December 2010, at the highest, is an opinion of the Chief Personnel Officer (IR). It is significant that this opinion comes at the stage when the Union of India and Junior Clerks instituted Writ Petition No. 6473 of" ,,,,,,

2008 and Writ Petition No. 285 of 2009 to question the judgment and order dated 22nd February 2008 in O.A. No. 466 of 2005 and failed to secure any interim relief therein. Further, opinions of officers cannot bind tribunals or courts in matters",,,,,,

of interpretation.,,,,,,

48] Accordingly, upon due consideration of the matter in its totality, in our opinion, the CAT was quite justified in holding that the Union of India (Western Railway) was not at all justified in issuing promotion order dated 3rd February 2005 by",,,,,,

ignoring the seniority list dated 25th January 2005 and by totally excluding the Tool Checkers from even being considered for promotion to the post of Senior Clerks. The second issue stands answered, accordingly. There is no good ground to" ,,,,,,

interfere with the judgment and order dated 22nd February 2008 in O.A. No. 466 of 2005. Consequently, Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009 fail and are liable to be dismissed." ,,,,,,

49] Insofar as the third issue, i.e., whether Union of India (Western Railway) was right and justified in issuing seniority list/order dated 22nd January 2011 is concerned, this issue, was squarely raised by the Tool Checkers in O.A. No. 105 of" ,,,,,,

2011 before the CAT. However, on account of pendency of Writ Petition No. 1708 of 2004, Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009, the CAT declined to this issue and held that O.A. No. 105 of 2011 â??was not" ,,,,,,

maintainableâ??. ,,,,,,

50] The reasoning of the CAT, is to be found in paragraph 16 of the impugned judgment and order dated 29th November 2013, which is subject matter of the challenge in Writ Petition No. 590 of 2014 instituted by the Tool Checkers, reads as" ,,,,,,

follows:,,,,,,

16. We now have a scenario before us in which the Hon'ble Bombay High Court is seized of the matter concerning both the methods of fixation of inter se seniority as propounded by this Tribunal through its orders dated 22.10.2003, and" ,,,,,,

22.02.2008, and the Hon'ble High Court is fully seized of the matter of inter se seniority among the two groups, and the pleadings of all the three parties and the Writ Petitions independently filed by all the three parties before it. Such being the" ,,,,,,

case, it is apparent that this Tribunal cannot tread on the toes of the Hon'ble High Court, and this O.A. is not maintainable in its present form, and is therefore dismissed. (emphasis supplied)" ,,,,,,

51] Although, the CAT, has held that O.A. No. 105 of 2011 is not maintainable in its present form, from the context, it is clear that the CAT, means that it would not like to entertain O.A. No. 105 of 2011 until the connected writ" ,,,,,,

petitions pending before the High Court are disposed of. Otherwise, taking into consideration the provisions of Administrative Tribunals Act, 1985, there was no reason to hold that O.A. No. 105 of 2011 was not maintainable." ,,,,,,

52] There is a distinction between maintainability of an original application and refusal to entertain the same for permissible reasons, even though, such O.A., may be maintainable. We are clear that in the present case, the CAT, deemed it" ,,,,,,

appropriate not to entertain O.A. No. 105 of 2011, because connected issues were pending before the High Court in Writ Petition No. 1708 of 2004, Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009. The observations in the" ,,,,,,

impugned judgment and order dated 29th November 2013 to the effect that O.A. No. 105 of 2011 was not maintainable, if construed literally are obviously, not sustainable." ,,,,,,

53] Mr. Ramamurthy, learned counsel for the Tool Checkers, submits that this is a case of failure to exercise jurisdiction by the CAT. He submits that since there was no interim relief granted by the High Court in any of the pending writ" ,,,,,,

petitions, the CAT, ought to have gone into the issue of legality and validity of the seniority list/order dated 22nd January 2011, which was challenged by the Tool Checkers in O.A. No. 105 of 2011. In the alternate, Mr. Ramamurthy submits" ,,,,,,

that this court ought to go into such issue, as otherwise, the Tool Checkers cannot left without any remedy either before the CAT or this court." ,,,,,,

54] Mr. Suresh Kumar and Mr. Masand submit that Writ Petition No. 1708 of 2004 instituted by the Tool Checker is required to be dismissed and Writ Petition No.

6473 of 2008 and Writ Petition No. 285 of 2009 are required to be allowed.,,,,,,

They submit that once this is done there will remain no merit whatsoever in the Tool Checker's challenge to seniority list/order dated 22nd January 2011. They submit that even independent of outcome of Writ Petition No. 1708 of 2004, Writ",,,,,,

Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009, there is no merit in the Tool Checker's challenge to seniority list/order dated 22nd January 2011." ,,,,,,

55] As noted earlier, the only ground on which the CAT has dismissed O.A. No. 105 of 2011 is the pendency of Writ Petition No. 1708 of 2004, Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009. Now that we propose to" ,,,,,,

dismiss these three petitions, this sole ground discernible in the impugned judgment and order dated 29th November 2013 in O.A. No. 105 of 2011 does not survive. As noted earlier, the CAT has not at all examined the merits of the rival" ,,,,,,

contentions in O.A. No. 105 of 2011.,,,,,,

56] In L.Chandra Kumar vs. Union of India and ors. - (1997) 3 SCC 261, the Hon'ble Supreme Court has cautioned against the High Courts directly entertaining the writ petitions in service matters, bypassing administrative tribunals constituted" ,,,,,,

under the Administrative Tribunals Act, 1985. At paragraph 93, the Hon'ble Supreme Court has listed the circumstances and the cases in which High Courts concerned may be approached directly. In the same paragraph, however, it has been" ,,,,,,

added that the tribunal's will, however, continue to act as the only courts of the first instance in respect of areas of law for which they have been constituted. By this, the Hon'ble Supreme Court has explained that it will not be open for litigants" ,,,,,,

to directly approach the High Courts even in cases where they question the vires of the statutory legislations (except, as mentioned, where the legislation which creates the particular tribunal is challenged) by overlooking the jurisdiction of the" ,,,,,,

tribunal concerned.,,,,,,

57] For the aforesaid reasons, we do not deem it appropriate to decide the third issue referred to in paragraph 11 of this judgment and order, ourselves, in the first instance. Rather, we are of the opinion that it would be appropriate if the" ,,,,,,

impugned judgment and order dated 29th November 2013 in O.A. No. 105 of 2011 is set aside and the matter is remanded to the CAT for fresh adjudication of O.A. No. 105 of 2011 on its own merits and in accordance with law. Until,

O.A." ,,,,,,

No. 105 of 2011 is disposed of by the CAT, the interim order made by the CAT on 22nd February 2011, which, we are told, was continued by this court and is in operation till date, can as well continue." ,,,,,,

58] Accordingly, we dispose of all these petitions with the following order:" ,,,,,,

(a) Writ Petition No. 1708 of 2004 is hereby dismissed and the Rule issued therein is hereby discharged; ,,,,,,

(b) Writ Petition No. 6473 of 2008 and Writ Petition No. 285 of 2009 are also hereby dismissed and the Rule issued therein is hereby discharged; ,,,,,,

(c) Writ Petition No. 590 of 2014 is partly allowed. Rule is made absolute in terms of prayer clause (a). The impugned judgment and order dated 29th November 2013 is quashed and set aside. However, O.A. No. 105 of 2011 is remanded and" ,,,,,,

restored to the file of CAT for fresh adjudication in accordance with law and on its own merits. ,,,,,,

(d) The interim order passed by the CAT in O.A. No. 105 of 2011 is directed to continue and operate during pendency of O.A. No. 105 of 2011; ,,,,,,

(e) The CAT is requested to dispose of O.A. No. 105 of 2011 as expeditiously as possible and in any case within a period of one year from the date of production
Â of authenticated copy of this order; ,,,,,,