

(2022) 05 GUJ CK 0070
In the Gujarat High Court

Case No : R/Special Civil Application No. 9327 Of 2022

Sunilkumar Chellappan Panicker

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 18-05-2022

Acts Referred:

Citation : (2022) 05 GUJ CK 0070

Hon'ble Judges : Biren Vaishnav, J;Sandeep N. Bhatt, J

Bench : Division Bench

Advocate : A R Rockey, Hardeep L Mahida, Devang Vyas, Nikunt K Raval

Final Decision : Disposed Of

Judgement

Biren Vaishnav, J

1. Draft amendment is allowed. The same shall be carried out forthwith.
2. Rule returnable forthwith. The matter is taken up for final hearing.
3. Heard Mr.G.M.Joshi, learned senior advocate with Mr.A.R.Rockey, learned advocate for the petitioners and Mr.Devang Vyas, learned Additional Solicitor General assisted by Mr.Nikunt Raval, learned advocate for the respondent nos.1 to 6.
4. The only ground urged by Mr.G.M.Joshi, learned Senior Advocate before this Court, is that the Central Administrative Tribunal, Ahmedabad by the impugned order dated 08th March, 2022 could not have ousted the applicants/petitioners only on the ground that the petitioners had approached the Tribunal without making representation to the authorities in terms of the Administrative Tribunal Act, 1985 as well as (Procedure) Rules, 1987.
5. It is pointed out by Mr.G.M.Joshi, learned Senior Advocate that the Office Memorandum dated 15.02.2022, which was under challenge before the Tribunal is also the subject matter of challenge before the Gauhati Bench on the Central

Administrative Tribunal by Original Application No.332 of 2022.

6. In view of the fact that the Tribunal has not entertained the application on merits, the order dated 08th March, 2022 passed by the Central Administrative Tribunal in O.A. No.74 of 2022 with M.A. No.89 of 2022 is quashed and set-aside. The proceedings are remanded to the Central Administrative Tribunal, Ahmedabad Bench with a request that the tribunal shall hear and decide the original application on merits and in accordance with the law together with the Original Application No.351 of 2019.

7. This order is passed without entering into merits and the Tribunal shall decide the controversy on its own merits.

8. With the above, the present matter is disposed of. Rule is made absolute to the aforesaid extent.