

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION No. 12190 of 2021

Between:

P. Sankaraiah and another

.....PETITIONERS

AND

R. Sreenivasulu and 6 others

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **07.05.2025**

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE CHALLA GUNARANJAN**

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|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

CHALLA GUNARANJAN, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
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! Counsel for the Petitioners : Sri P. V. Krishnaiah

Counsel for the Respondents 1 to 4 : Sri R. V. Mallikarjuna Rao,
Rep. Sri Sridhar Tummalapudi
Assisted by Sri M. Vijayabhaskar

Counsel for the Respondents 5 to 7 : Sri Keerthi Teja Kondaveeti
GP attached to Office of Addl.AG

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> Head Note:

? Cases Referred:

1. 1987 (Supp) SCC 345
2. (1998) 2 SCC 332
3. (2007) 4 SCC 221
4. (1997) 6 SCC 473

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BL SRI JUSTICE CHALLA GUNARANJAN**

WRIT PETITION No.12190 of 2021

JUDGMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri P. V. Krishnaiah, learned counsel for the petitioners, through virtual mode, Sri R. V. Mallikarjuna Rao, learned counsel, representing Sri Sridhar Tummalapudi, learned counsel for the respondents 1 to 4 and assisted by Sri M. Vijayabhaskar, learned counsel and Sri Keerthi Teja Kondaveeti, learned Government Pleader, attached to Office of Additional Advocate General, representing respondents 5 to 7.

2. This writ petition under Article 226 of the Constitution of India has been filed challenging the Order dated 06.06.2016 passed in O. A. No. 2740 of 2013 with V.M.A.No.338 of 2014 and C. A. No.136 of 2014 by the Andhra Pradesh Administrative Tribunal at Hyderabad (in short 'the Tribunal'), whereby the Tribunal has directed the respondent in O.A. to count the seniority of the applicants in O.A. in the cadre of Sub-Inspector of Police as Reserve Sub-Inspector of Police / Armed Reserve Sub-Inspector / APSP Sub-Inspector from the date of their initial appointment in reserve cadres for counting the seniority for next promotion as Inspector of Police and consider their cases for promotion as Inspector of Police (Civil) as per their eligibility and rules following the Orders passed in another O.A.No.6285 of 2012, dated 10.02.2016 passed by the Tribunal.

3. The present respondents 1 to 4 are the applicants in O.A.No.2740 of 2013 and the present two petitioners are third parties.

4. The said O.A. was filed by the present respondents 1 to 4 against the present respondents 5 to 7, Government of Andhra Pradesh and its authorities. Respondents 1 to 4 shall be referred to as the 'applicants'.

5. The case of the applicants was that they were working as Sub-Inspectors of Police under the control of Deputy Inspector General of Police, Kurnool Range, Zone-IV, Kurnool District. They were initially appointed as Reserve Sub-Inspectors of Police in the Direct Recruitment of 2004 recruitment batch and were reselected as Sub-Inspectors of Police in Armed Reserve (AR) and Andhra Pradesh Special Police (APSP) in the 2004 direct recruitment selections and were accordingly appointed on 02.05.2005. The applicants while working in AR and APSP again got selected to the post of Sub-Inspector of Police (Civil) in 2010 and at the time of filing of O.A. they were working as Sub-Inspector of Police (Civil). Their case was that the above two selections were to the same class and equivalent categories of posts in the Home Department. The service rendered by the applicants in the former category, i.e., Reserve Sub-Inspector of Police, would normally count towards seniority on appointment or transfer to the latter category, i.e., Sub-Inspector of Police in AR and APSP, as per the provisions of Rule 33 of the A. P. Police (Civil) Subordinate Service Rules. They further submitted that, that aspect of the legal position was finally declared to be applicable to both transferees from Reserve Sub-Inspector of Police to Civil Police and to the fresh appointees to Civil Sub-

Inspector of Police category from the category of Reserve Sub-Inspector of Police on selection in another year's direct recruitment also, after the judgment of the High Court of Andhra Pradesh dated 01.03.2007 in W.P.No.22176 of 2004 and batch. Their case was that both these classes of appointees to Civil Sub-Inspector of Police were entitled for seniority in Civil Sub-Inspector of Police category counting their service rendered in the Reserve Sub-Inspector of Police category as if rendered in the latter category.

6. The applicants' further case was that the matter was taken to the Hon'ble Supreme Court of India in several S.L.Ps and Civil Appeal (No.7370/2002 and batch with S.L.P.19858-19862 of 2007) by the Government, and finding no merit in the appeals, those were dismissed by Orders dated 16.03.2010. The review applications filed by the Government against the Orders passed in the SLPs were also dismissed on 18.11.2010. The consequence of those orders was that both, the transferee Reserve Sub-Inspectors of Police to Civil Sub-Inspector of Police category and the re-recruited Reserve Sub-Inspectors of Police to Civil Sub-Inspector of Police category would be entitled to count the service rendered in the Reserve Sub-Inspector of Police category towards seniority in the Civil Sub-Inspector of Police category on fresh appointment to Civil Sub-Inspector of Police posts.

7. The Government of Andhra Pradesh in consideration of all the Orders, issued Orders on 08.12.2010 to implement the Orders of the Courts and revised the seniority of all the officers involved in such transfers or fresh recruitments to Civil Sub-Inspector of Police category from Reserve Sub-Inspector of Police

categories and on passing of the said seniority list, the 3rd respondent in O.A./present 7th respondent prepared a list of eligible officers for consideration for promotion to the Inspector category, including the applicants in the said list, as per Rule 33 (a) and 15 (a) of the Andhra Pradesh State and Subordinate Service Rules. Though the applicants were entitled for seniority from the date of their initial dates of appointment as Reserve Sub-Inspector of Police i.e., from 02.02.2005 respectively, the 3rd respondent denied the consideration of the applicants' case for promotion to Circle Inspector of Police category without any order of cancellation of seniority. Such deletion of names of the applicants from the panel of eligible officers for promotion to Circle Inspector of police was solely on the ground that the 1st respondent in O.A./Government of Andhra Pradesh issued a memo dated 16.04.2011 directing the concerned to implement the Orders of the High Court in cases of the parties to the writ petition, though there was no particular orders cancelling the seniority of the applicants. The applicants' further case was that in the similar circumstances, in the case of one G. Ravindra from Chittoor district, the Tribunal in O.A.No.8784 of 2012 by Order dated 08.11.2012 granted interim order, pending disposal of O.A, that the respondents shall count the past service of that applicant, which was rendered as Reserve Sub-Inspector of Police in Andhra Pradesh Special Police in the present category of Sub-Inspector of Police (Civil), for fixation of seniority and accord all benefits as per the judgment of the High Court in W.P.No.22176 of 2004 and batch dated 01.03.2007 and the judgment of the Hon'ble Supreme

Court in Civil Appeal No.7372-7374/2002 and batch with SLP No.19858-19862/2007 dated 16.03.2010.

8. The applicants prayed that the respondents be directed to accord and count the seniority of the applicants from the date of their initial appointment in the category of Reserve Sub-Inspector of Police in AR and APSP, in the present category of Sub-Inspector of Police for the fixation of seniority and all other benefits that would arise in terms of orders of the High Court in W.P.No.22176 of 2004 and batch, dated 01.03.2007 and the Hon'ble Supreme Court in C.A.No.7372-7374 and batch with SLP No.19858-19862 of 2007, dated 16.03.2010, and consequently the Tribunal to hold that the applicants were entitled for seniority and promotion and monetary benefits.

9. The Tribunal passed interim order.

10. The State-respondents filed VMA No.338 of 2014 with counter. Their stand was that the applicants were not entitled to count their past services as Reserve Sub-Inspector of Police in Armed Reserve and APSP in the present category of Sub-Inspector of Police. Their stand was that the petitioners in W.P.No.22176 of 2004, W.P.No.25871 of 2006 and batch were appointed by direct recruitment but due to wrong representation made by the Government Pleader W.P.No.22176 of 2004 was allowed as covered by the judgment in another W.P.No.2120 of 2000 dated 15.06.2001 which related to appointment by transfer of Reserve Sub-Inspectors of Police (AR/APSP) to the post of Sub-Inspector of Police (Civil). There could not be any comparison in between the candidates selected from two different sources. So, the judgment dated

15.06.2001 in W.P.No.2120 of 2000 was not applicable to W.P.No.22176 of 2004 and batch, but the benefit thereof was wrongly extended.

11. The Tribunal framed the following points for determination:

“(1) Whether the applicants are entitled for counting their past service as Reserve Sub-Inspectors in the cadre of Sub-Inspectors of Police (civil) for further promotion?

(2) to what relief?”

12. The Tribunal observed that the issue involved in O.A.No.2740 of 2013 was squarely covered by the Order in O.A.No.6285 of 2012, dated 10.02.2016 and accordingly, allowed the O.A. and dismissed the VMA and closed the Contempt Application, which the applicants had filed alleging willful disobedience of the interim order granted by the Tribunal. The Tribunal had disposed of O.A.No.2740 of 2013 in the same terms and with the directions, as were given in O.A.No.6285 of 2012.

13. In O.A.No.6285 of 2012 the Tribunal had recorded that the same issue was involved in O.A.No.5790 of 2011 before the Tribunal which was allowed, after considering the Order of the High Court in W.P.No.22176 of 2004 and batch, which was confirmed by the Hon'ble Supreme Court, directing the respondents to count the seniority of the applicants in the cadre of Reserve Sub-Inspector of Police for the purpose of promotion to the post of Inspector of Police (civil). Consequently, O.A.No.6285 of 2012 was also allowed in terms of the Order passed in O.A.No.5790 of 2011.

14. The State-respondents filed W.P.No.39211 of 2016 challenging the Order passed in O.A.No.2740 of 2013, which was dismissed observing that the

issue was squarely covered by the Order passed in W.P.No.39360 of 2018, dated 09.07.2018.

15. In W.P.No.39360 of 2018, the Order of the Tribunal in O.A.No.7718 of 2010, dated 25.09.2013, was under challenge. The said writ petition was dismissed on 09.07.2018, observing that the similar and same issue had already been dealt with in W.P.No.17833 of 2014 and finding no ground to interfere with the Order as impugned in the Writ Petition No.39360 of 2018. The applicants of the said O.A.No.7718 of 2010, were held to be similarly situated and deserved equal treatment on par with the other Sub-Inspectors initially appointed as Reserve Sub-Inspectors of Police (APSP) and Reserve Sub-Inspectors of Police (AR). The W.P.No.17833 of 2014 by the State was dismissed, vide judgment dated 05.03.2018.

16. Against the Order passed in W.P.No.39211 of 2016, as aforesaid, SLP (Civil) Diary No.11335 of 2019 was filed, which was dismissed on 03.05.2019, as no case was made out to interfere with the Order of the High Court.

17. The present petitioners are challenging the Order dated 06.06.2016 passed by the Tribunal in O.A.No.2740 of 2013.

18. Learned counsel for the petitioners submitted that the present petitioners No.1 and 2 both were selected by the Andhra Pradesh State Level Police Recruitment Board for the post of Sub-Inspector of Police and appointed as Sub-Inspector of Police (civil) in Zone-IV on 24.12.2010. The applicants in O.A.No.2470 of 2013 were also selected and appointed as Sub-Inspector of Police (civil) in Zone-IV along with the petitioners on 24.12.2010. The post of

Sub-Inspector of Police (civil) was included in Class-A (Men) in category-I of Rule 2 of the A.P.Police (Civil) Subordinate Service Rules in G.O.Ms.No.374, Home Department, dated 14.12.1999. The petitioners' counsel further submitted that as per Rule 10 (seniority) (III) of the A.P.Police (Civil) Subordinate Service Rules, the *inter se* seniority of directly recruited Sub-Inspectors of Class-A and Class-B shall be fixed on completion of training period in the Training Institution instead of at the time of selection in accordance with the list which shall be appended in the order of merit, which shall be determined in accordance with aggregate marks obtained by each probationer. The petitioners obtained marks in Training Academy, as shown in para-8 of the writ affidavit and the applicants also obtained marks as shown in the same paragraph in different table formats. The petitioners obtained marks higher than the marks of the applicants. The appointing authority, i.e., Deputy Inspector General of Police, Kurnool Range issued provisional seniority list, vide proceedings in Rc.No.C1/710/2012, dated 14.11.2012 wherein the petitioners were shown above all the applicants. The applicants approached the Tribunal impleading the State and its authorities and sought a direction to count their seniority from the date of their initial appointment in the category of Reserve Sub-Inspector of Police in AR and APSP in the present category of Sub-Inspector of Police for fixation of seniority and all other benefits, in terms of the Order of the High Court of Andhra Pradesh in W.P.No.22176 of 2004 and batch, dated 01.03.2007 and the Order of the Hon'ble Supreme Court in C.A.Nos.7372-7374/2002 and batch with SLP Nos.19858-19862 of 2007, dated

16.03.2010, which was allowed. The petitioners' counsel submitted that the applicants suppressed the fact of issuing the provisional seniority list of Sub-Inspector of Police by the appointing authorities vide proceedings in Rc.No.C1/710/2012, dated 14.11.2012, and also without impleading any one of the parties though they were going to be affected, and as per law the petitioners ought to have been impleaded in the O.A. being the affected parties, and for the said reason, the O.A. was not maintainable, but the O.A. was allowed. That Order of the Tribunal was behind the back of the petitioners. In the O.A. none of the effected parties were impleaded.

19. Learned counsel for the petitioners further submitted that all the O.As were allowed observing that the controversy was squarely covered by the Orders passed in the respective previous O.A, but in none of the cases there was adjudication on issue on merits, on consideration of the arguments and the counter arguments. The issue/controversy involved in W.P.No.22176 of 2004 which was allowed by the Division Bench of the High Court on 01.03.2007 and based upon which, the subsequent orders were passed, observing that the said order was maintained by the Hon'ble Supreme Court, was not the same as in O.A. filed by the applicants nor in the O.A.(s), on which reliance was placed citing similar controversy as already covered and decided. The W.P.No.22176 of 2004 was with regard to seeking the relief to reckon the seniority of Reserve Sub-Inspectors who were subsequently appointed as Sub-Inspector of Police (civil) by way of direct recruitment afresh to reckon their seniority with effect from the date of their initial appointment as Reserve Sub-Inspector of Police,

whereas the issue in W.P.No.2120 of 2000 based on which W.P.No.22176 of 2004 was decided, was with regard to seeking direction to reckon the seniority of Reserve Sub-Inspectors who were appointed by transfer as Sub-Inspector of Police (civil) against 5% quota reserved for Reserve Sub-Inspectors of Police, in terms of Rule 15 (c) of A.P.Police (Civil) Subordinate Service Rules, and therefore, the controversy involved and the relief sought in W.P.No.22176 of 2004 was not all covered by W.P.No.2120 of 2000.

20. Learned counsel for the petitioners further submitted that in W.P.No.22176 of 2004 the Government Pleader who appeared had accepted that the matter was covered by the earlier judgment and in view thereof, the matter was not examined and adjudicated on merits by passing a reasoned order. The Order was passed, as if the controversy was covered by W.P.No.2120 of 2000, whereas it was not so. The petitioners were not made parties and therefore the correct factual position could not be brought to the notice of the Tribunal in O.A.No.2740 of 2013. The Order of the Tribunal does not bind the petitioners and so they have right to challenge it, notwithstanding the previous litigation at the instance of the State/Government of Andhra Pradesh.

21. Learned counsel for the petitioners referred to the judgment of the Hon'ble Apex Court in the case of ***K. Rajaiah v. State of A.P.***¹ and contended that the Hon'ble Supreme Court held that the Reserve Sub-Inspector of Police on his appointment as Sub-Inspector of Police (Civil), where the appointment

¹ 1987 (Supp) SCC 345

was not by way of transfer under Rule 15 (c) nor it was by way of recruitment by transfer, even if such appointee had not resigned from the post of Reserve Sub-Inspector of Police and even if the Government allowed Last Pay drawn as Reserve Sub-Inspector of Police on his appointment as Sub-Inspector of Police (Civil), that would not wipe out the appointment as a direct recruit. The Hon'ble Apex Court upheld the judgment of the Tribunal that the appointee therein was directly recruited' to the post of Sub-Inspector of Police (Civil) and his seniority should be counted from the date of such appointment.

22. Learned counsel for the petitioners also placed reliance in the case of ***Arun Tewari v. Zila Mansavi Shikshak Sangh***² and contended that there the applicants before the Tribunal challenged the provisions for recruitment of Assistant Teachers and they under the Operation Blackboard Scheme did not possess the requisite qualifications for being selected as Assistant Teachers. Their names did not figure among the lists forwarded. In the applications they did not make the selected/appointed candidates who were directly affected by the outcome of their applications, as party respondents. The Tribunal passed the order without making them parties or issuing notice to any of them. The Hon'ble Apex Court observed referring to its previous pronouncements as well that there was a serious defect of non-joinder of necessary parties, who were directly concerned, but were not made parties, not even joining some of them in a representative capacity. That vitally affected the judgment and on that

² (1998) 2 SCC 332

ground alone the decision of the Tribunal was vitiated though even on merit the judgment of the Tribunal could not be sustained.

23. Learned counsel for the petitioners also submitted that there was a fraud played by the applicants. The applicants did not implead the effected persons, the petitioners. They also did not disclose the provisional seniority list, which showed that they obtained lesser marks than the petitioners in the training, so they could not be senior. Referring to the judgment in the case of ***A. V. Papayya Sastry v. Govt.of A.P.***³, learned counsel for the petitioners submitted that the fraud vitiates all the judicial acts, whether in *rem* or *in personam*, and the Order obtained playing fraud on Court or Tribunal is nullity and *non est* in the eye of the law. Such a judgment, decree or Order, has to be treated as nullity by every Court, superior or inferior, and it can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings.

24. Learned counsel for the respondents 1 to 4/applicants submitted that after the dismissal of SLP filed by the State as also the review filed by the State, the present writ petition challenging the same Order of the Tribunal cannot be sustained.

25. We have considered the aforesaid submissions and perused the material on record.

26. The facts are not in dispute. The petitioners were not made party in O.A.No.2740 of 2013. They had no opportunity of hearing. But, the State was

³ (2007) 4 SCC 221

party. It contested the O.A. By the Order passed by the Tribunal dated 06.06.2016, the O.A. was allowed. The Order of the Tribunal was challenged by the State in W.P.No.39211 of 2016 which was dismissed on 09.07.2018.

The Order reads as under:

“Vide the present petition, the petitioners have challenged order dated 06.06.2016 passed in O.A.No.2740 of 2013 by the Andhra Pradesh Administrative Tribunal whereby the application filed by the respondents has been allowed.

2. The issue involved in this writ petition is squarely covered by the order passed by this Court in W.P.No.39360 of 2018 dated 09.07.2018.

3. Following the same, the present Writ Petition is also dismissed.”

The SLP (Civil) Diary No.11335 of 2019 filed by the State was also dismissed on 03.05.2019. The Order reads as under:

“Delay condoned.

No case is made out to interfere with the impugned order (s) passed by the High Court. The special leave petition is, accordingly, dismissed.

Pending applications (s), if any, shall stands disposed of.”

The review filed there against was also dismissed. Further, the State filed review of the Order passed in the writ petition before this Court, but the same was also got dismissed as withdrawn.

27. The submission of the petitioners’ counsel is that the Tribunal passed the Order in favour of the applicants referring to the previous judgments in other O.As, as if the matter was covered by those judgments. But the present controversy was not involved in those petitions based on which the Order has been passed. The controversies therein were different. The Tribunal did not

consider that aspect in correct perspective. The merit of both the matters were not seen. We find from perusal of the Order dated 09.07.2018 in W.P.No.39211 of 2016, which is so evident that the Co-ordinate Bench observed that

“The issue involved in this writ petition is squarely covered by the Order passed by this Court in W.P.No.39360 of 2018, dated 09.07.2018.”

It is not the petitioners case that the case of the applicants is not similar to the applicants of O.A.No.7718 of 2010 decided by the Tribunal against which W.P.No.39360 of 2018 filed by the State was dismissed. The petitioners are contending that in the previous W.P.No.22176 of 2004 and batch, the benefit of the judgment dated 15.06.2001 passed in W.P.No.2120 of 2000 and batch, was wrongly extended though the issues involved were different. It is not the case of the present petitioners that the case of applicants herein is not the same as was of the petitioners in W.P.No.22176 of 2004 and batch. The judgment in W.P.No.22176 of 2004 was also challenged in Civil Appeal Nos.7372-7374 of 2002 which were dismissed, finding no merits in the Civil Appeals, by the Hon'ble Apex Court on 16.03.2010. The said Order reads as under:

“Heard learned appearing counsel for the parties.

We find no merits in the Civil Appeals.

The Civil Appeals are dismissed accordingly. No costs.

In view of dismissal of Civil Appeals, the special leave petitions filed by the State of Andhra Pradesh are also dismissed.”

28. Consequently, we are of the view that there is no force in the submissions of the learned counsel for the petitioners. The petitioners' efforts

appear to be to reopen the proceedings which already stand concluded in view of the previous litigation up to the stage of the Hon'ble Apex Court. The same is not permissible before this Court in the present proceedings of the writ petition.

29. Not only this, one Writ Petition No.15071 of 2019 filed by the present respondents/applicants for implementation of the Order of the Tribunal in O.A.No.2740 of 2013, i.e., the very same Order impugned in the present writ petition, was disposed of directing the State respondents to implement the Order of the A.P.Administrative Tribunal in O.A.No.2740 of 2013, dated 06.06.2016.

30. Under the aforesaid circumstances, we are of the view that after such round of litigation, the petitioners though may not be party and may be effected persons, as submitted, those proceedings cannot be reopened on their petition by this Court, and particularly, when the same impugned Order stand affirmed by the Hon'ble Apex Court. The submission of the petitioners' counsel that these petitioners were not party, may be correct, but even then at their instance, we are of the view that, by way of the present writ petition, the matter cannot be reopened. The remedy, if any, may be elsewhere.

31. For the aforesaid our view, the judgments cited by the petitioners to challenge the Order of the Tribunal, do not help the petitioners, at this stage of proceedings, though there can be no dispute on the principles of law as laid down in ***K. Rajaiah*** (supra), ***Arun Tewari*** (supra) and ***A. V. Papayya Sastry*** (supra). We would however refer to the judgment of the Hon'ble Apex Court in

K Ajit Babu v. Union of India⁴ upon which much reliance was placed by the learned counsel for the petitioners.

32. In ***K. Ajit Babu*** (supra) the appellants therein K. Ajit Babu and others were not made parties before the Central Administrative Tribunal in the O.A. filed by the respondents. The said O.A was allowed with directions for fresh preparation of the seniority list, pursuant to which the draft seniority list was circulated inviting the objections. Number of review petitions were also filed against the Order of the Tribunal, but those applications were rejected. After the rejection of the review petitions, the appellants therein filed application under Section 19 of the Administrative Tribunals Act, 1985. The Tribunal rejected the said application, holding that the persons who were not party to the decision in the previous O.A, but were affected by the decision of the Tribunal were not entitled to file application under Section 19 of the Act. They could only file a review petition seeking review of the earlier decision which adversely affected them. The question that arose was, what remedy was available to such affected persons, who were not parties to the previous O.A. and yet the decision adversely affected their rights in the matter of their seniority. The question was if the application under Section 19 of the Act at the instance of those affected persons was maintainable. The Hon'ble Apex Court observed that ordinarily right of review was available only to those who were party to a case. However, even if a wider meaning to the expression 'a person feeling aggrieved' occurring in Section 22 of the Act were to be given, whether

⁴ (1997) 6 SCC 473

such aggrieved person could seek review by opening the whole case, had to be decided by the Tribunal. The right of review was not a right of appeal where all questions decided were open to challenge. The right of review was possible only on limited grounds, and the right of review was available if such application was filed within the period of limitation. The application filed by the appellants under Section 19 of the Act was held maintainable which had to be dealt with in accordance with law. The Hon'ble Apex Court observed that whenever application under Section 19 of the Act was filed, and the question involved in the said application whether stood concluded by some earlier decision of the Tribunal, the Tribunal had necessarily to take into account the judgment rendered in the earlier case, as a precedent and decide the application accordingly. The view taken by the Tribunal holding application under Section 19 of the Act not maintainable was not correct and the Tribunal was directed to decide the O.A. on merits.

33. The judgment in ***K. Ajit Babu*** (supra) is on the scope of review. Learned counsel for the petitioners submitted that since the Tribunal has been abolished, the writ petitioners cannot file the O.A. before the Tribunal, and consequently, in the present writ petition, based on the said judgment, the correctness of the impugned Order of the Tribunal could be challenged, which controversy, deserved to be decided on merits. In our view, the judgment in ***K. Ajit Babu*** (supra) is of no help to the petitioners. In the present case the Order of the Tribunal, as impugned in the present writ petition, has already attained finality, in the previous round of litigation made to by the State up to

the stage of the Hon'ble Apex Court, which relevant fact is absent in ***K. Ajit Babu*** (supra).

34. Thus considered. The writ petition deserves to be dismissed and is accordingly dismissed.

35. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

CHALLA GUNARANJAN, J

Date: 07.05.2025

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