

Narsimha Rao and Others

Vs

Union of India and Others

Civil Appeals Nos. 1262-1263 of 1980

(E. S. Venkataramiah, A. N. Sen JJ)

05.01.1982

ORDER

1. It is to be regretted that though we had heard the arguments at a considerable length, we were constrained to find that the Central Government had left the question as to whether the appointment of Andhra Officers was stop-gap or fortuitous or not for purposes of integration of services undetermined. There was, therefore, no other alternative but to remit the material issues to the Central Government and it was directed to decide the question of inter se seniority of these officers, particularly with reference to the question as to whether the services of the Andhra Officers were on stop-gap or fortuitous arrangement, and as to whether the regularisation of promotions of Andhra Engineers and the relaxation of rules and retrospective regularisation were permissible.
2. Pursuant to the direction contained in this Court's Order dated February 6, 1981, the Central Government have submitted their report dated July 10, 1981, recordings the findings on the issues remitted by us. Nevertheless, it seems to us that these appeals cannot be decided on the findings reached by the Central Government unless the parties are afforded an opportunity of placing their respective contentions before the Andhra Pradesh Administrative Tribunal. The whole purpose of remitting the material issues to the Central Government was to bring to an end this long standing dispute. We had accordingly directed that the parties may file their objections to the findings reached by the Central Government and this they have done within the time allowed therefor.
3. It, however, appears during the course of hearing that the parties want to be heard on the findings reached by the Central Government. This cannot be done unless the persons affected are given notice and reasonable opportunity of placing their respective case is given to them. The Central Government have recorded a considered opinion and come to certain definite conclusions. The Andhra Pradesh Administrative Tribunal did not have the benefit of the report submitted by the Central Government. In the circumstances, it will be eminently just and proper to set aside the judgment and to remand the case to the Andhra Pradesh Administrative Tribunal for a decision afresh, without expressing any opinion as to the correctness or otherwise of the findings reached by the Central Government or on the merits of the case or on the judgment under appeal. It is ordered accordingly.
4. This Order of ours should not be construed to mean that we either approve or disapprove of the findings reached by the Central Government. It would be for the Andhra Pradesh Administrative Tribunal to examine the correctness or otherwise of the findings given by the Central Government in their report dated July 10, 1981. It shall afford to all the parties the opportunity to place their respective claims and contentions on merits in the form of additional pleadings with respect to the latest decision of the Central Government. The Andhra Pradesh Administrative Tribunal shall reach

a decision afresh after hearing the parties as expeditiously as possible, and in any event, not later than six months from today. These appeals and special leave petitions stand disposed of accordingly. There shall be no order as to costs.

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