

Court No. - 10

Case :- WRIT - A No. - 75541 of 2005

Petitioner :- Subhash Vishwakarma

Respondent :- Union Of India And Others

Counsel for Petitioner :- Chandra Narayan Tripathi, Ashok Kumar Yadav, Ram Chandra Srivastava

Counsel for Respondent :- K.C. Sinha A.S.G.I., A.K. Yadav, A.K. Singh, S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Ram Chandra Srivastava, learned counsel for the petitioner and Shri Rajesh Tripathi, learned counsel for all the respondents.
2. The case of the petitioner is that though he was appointed as Generator Mechanic-cum-Peon, he was orally asked not to come on the work. The petitioner filed a representation before the Authorities concerned and thereafter, approached the Central Administrative Tribunal, Allahabad Bench Allahabad who, by order dated 13.04.2005, disposed of the Original Application directing the concerned Authorities to take a decision on the representation of the petitioner.
3. The representation of the petitioner has been rejected on 19.07.2005 by the Principal of Army School concerned, against which order, present writ petition has been filed.
4. Shri Rajesh Tripathi, learned counsel for the respondents submits that neither the Original Application was maintainable before the Central Administrative Tribunal nor this writ petition under Article 226 of Constitution of India is maintainable against the Principal of Army School and in any case, the petitioner may have a remedy to approach the concerned Authorities under the provisions of Industrial Disputes Act, 1947.
5. Having heard the learned counsel for the parties, I find that the petitioner has a remedy to invoke the provisions of the said Act in accordance with law.
6. The writ petition is **dismissed on the ground of alternative remedy**, however, with the observation that in case the petitioner

files appropriate application before the concerned Authorities under the provisions of Industrial Disputes Act, 1947, **the delay occurred during the pendency of the writ petition will not come in his way to determine the controversy on merits.**

Order Date :- 6.11.2023

Sazia