

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**Review.Pet. No. 5 of 2024 with
MC(Review.Pet.) No. 3 of 2024**

Heishnam Ghananjoy Singh & 3 Ors.

.....*Petitioner/s*

- Versus -

Union of India & 3 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

30.01.2024

[1] Heard Mrs. G. Pushpa, learned counsel for the petitioners and Mr. Kh. Samarjit, learned DSGI assisted by Mr. Y. Paikhomba, learned counsel for all the respondents.

[2] Misc. application being MC(WP(C) No. 3 of 2024 for seeking exemption from filing certified copy due to the urgency is allowed and disposed of.

[3] By the present review petition, the petitioners seek to review the order dated 25.01.2024 passed by this Court in WP(C) No. 64 of 2024 and MC(WP(C) No. 39 of 2024. By the order under review, this Court held that the subject matter is under the jurisdiction of Central Administrative Tribunal (CAT), Guwahati and the petitioners were given liberty to approach CAT, Guwahati for appropriate orders.

After passing of this order, learned counsel for the petitioners immediately booked a ticket for 28.01.2024 for proceeding to Guwahati to move appropriate application before the CAT, Guwahati.

[4] It is submitted that the petitioner came to know about one notice dated 25.01.2024 issued by the Dy. Registrar, CAT, Guwahati stating that the CAT bench at Guwahati will not be available with effect from 29.01.2024 to 02.02.2024 and advocates and parties are informed to approach CAT, Lucknow bench for filing and hearing of the urgent matters during that period. It is submitted that the contractual engagement of the petitioners are going to be expired on 31.01.2024 and going to Lucknow before 31.01.2024 will not be possible to file before the due date. The petitioners approach this Court by way of the present review petition for recalling the order dated 25.01.2024 and writ petition along with application be heard on merit.

[5] Mrs. G. Pushpa, learned counsel for the petitioners, refers to the decision of the Hon'ble Supreme Court reported as **(2007) 8 SCC 338, (2010) 11 SCC 1** and **(2023) SCC online 309** to impress upon this Court that jurisdiction of the High Court to entertain matters conferred to the CAT is not barred. It is submitted that the impugned order dated 25.01.2024 may be recalled and the petitioners be granted interim relief of protecting their service till the matter is finally decided.

[6] On the other hand, Mr. Kh. Samarjit, learned DSGI draws the attention of this Court to the decision of **L. Chandrakumar** reported as **(1997) 3 SCC 261** to the effect that the High Court is not the Court

of first instance and the jurisdiction of the High Court is to examine the order passed by the CAT as a Court of first appeal exercising the power under Article 226/227 of the Constitution of India. It is also pointed out that the notification dated 25.01.2024 issued by the CAT, Guwahati for closure of forum from 29.01.2024 to 02.02.2024 does not abolish the bench at Guwahati and alternative bench at Lucknow provided to entertain urgent matters. It is also submitted that the notification dated 25.01.2024 cannot be a subsequent event which requires review of the impugned order dated 25.01.2024.

[7] This Court has considered the rival submissions at the bar. Admittedly the CAT, Guwahati will not be functioning for the period from 29.01.2024 to 02.02.2024. However alternate bench at Lucknow is earmarked for filing and hearing of urgent matters. This Court is of the view that the notification dated 25.01.2024 may not fall within the mandate of subsequent development which warrants entertaining a review petition. Difficulties of going to Lucknow may not be a ground for this Court to entertain the original writ petition for a brief period of 5 (five) days only. Accordingly, this Court does not find any merit in the review petition.

[8] Review petition is dismissed.

[9] Mrs. G. Pushpa, learned counsel for the petitioners, prays that at least some protection may be granted to the petitioners till the matter is filed and moved before the CAT, Guwahati bench.

[10] It may be noted that in para 8 of the order dated 25.01.2024, this Court recorded that as the subject matter of the writ petition falls within the jurisdiction of CAT, Guwahati, no interim relief was passed and the petitioners were given liberty to raise the same before the appropriate forum. It is observed that the competent forum may consider the grievances of the petitioners when the matter is listed before the same. This Court appreciates the assistance rendered by the learned counsel appearing for the parties.

JUDGE

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