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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11161/2016

SUSHIL KUMAR KAIN @ BANTY

..... Petitioner

Through: None.

versus

DIRECTORATE OF REVENUE INTELLIGENCE Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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25.11.2016

1. By this writ petition petitioner seeks appointment with the Office of the Directorate of Revenue Intelligence. The Office of the Directorate of Revenue Intelligence is under the Central Government, and therefore, petitioner seeks appointment to a post under the Central Government. This Court therefore would not have jurisdiction in view of the Constitution Bench judgment of the Supreme Court in the case of ***L. Chandra Kumar vs. Union of India & Ors. AIR 1997 SC 1125*** and the relevant para 99 of which judgment reads as:-

“99. In view of the reasoning adopted by us, we hold that Clause 2(d) of Article [323A](#) and Clause 3(d) of Article [323B](#), to the extent they exclude the jurisdiction of the High Courts and

the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323A and 323B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323A and Article 323B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls. The Tribunals will, nevertheless, continue to act like Courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the concerned Tribunal. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated.” (underling added)

2. The aforesaid para shows that this Court does not exercise original jurisdiction, which is exercised by Central Administrative Tribunal (CAT), and this Court only exercises supervisory jurisdiction against the orders which are challenged before this Court passed by the CAT. This writ

petition is therefore dismissed as this Court has no jurisdiction and petitioner can always approach the Central Administrative Tribunal, Principal Bench, New Delhi.

3. The writ petition is disposed of accordingly.

VALMIKI J. MEHTA, J

NOVEMBER 25, 2016

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