

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1460 of 2014

In

Civil Writ Jurisdiction Case No.16157 of 2007

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Sumant Kumar Son of Sunil Kumar Singh resident of Village - Katra, Police Station - Katra, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, New Delhi - 1.
2. The Secretary Union of India, Ministry of Defence, South Block, New Delhi - 1.
3. The Quarter Master General, Quarter Master General Branch, Dy. D+C, General Canteen Services, Army Head Quarters L - Block Room No. 16 , Church Road New Delhi.
4. The Director, Dy. Director General, Patna, Directorate, Central Command, C.D.A. Building Patna, Bihar.
5. The Group Commander N.C.C. Group Head Quarter Combined Building, Muzaffarpur, Bihar.
6. The CSD Canteen Officer, NCC Group , Head Quarter Combined Building, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Manoj, Advocate
For the Respondent/s : Mr. Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2017

Even though the petitioner, who was working as a civilian employee in the Central Stores Department Canteen, run by the Ministry of Defence, had approached this Court with regard to his service dispute and the learned Writ Court exercising its jurisdiction under Article 226 of the Constitution dismissed his writ petition and challenging the same this appeal has been filed under



Clause-10 of the Letters Patent, we are of the considered view that a civilian employee working in the Defence Establishment would fall within the purview of an employee working in a Department of Central Government and the jurisdiction to deal with such a service dispute would fall within the jurisdiction of Central Administrative Tribunal by virtue of Section 14 of The Administrative Tribunals Act, 1985. The dispute in question falls within the category of a service matter as defined under Section 3(g) of the Administrative Tribunals Act, 1985.

As the learned Writ Court has exercised its jurisdiction in ignorance of the aforesaid aspect of the matter, the petition itself before the learned Writ Court was not maintainable and, therefore, as the exercise of jurisdiction by the Writ Court was not permissible under law, we allow this appeal, quash the order dated 22.7.2014 passed by the learned Writ Court in C.W.J.C. No.16157 of 2007 and grant liberty to the appellant to take recourse to the remedy of filing an appropriate application before the Central Administrative Tribunal constituted under The Administrative Tribunals Act, 1985.

As the applicant was canvassing his grievance before a wrong Forum and the learned Writ Court in ignorance of the wrong provision has exercised jurisdiction, in case the appellant



files an appeal under Section 19 before the Central Administrative Tribunal having jurisdiction in the matter within a period of sixty days from today, the Tribunal shall proceed to decide the matter in accordance with law on merit and shall not reject it on the ground of delay.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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CAV DATE	
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