

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1980 OF 2016

Chakradhar s/o. Divakar Panem	}	
and Ors.	}	Petitioners
versus		
The Union of India and Ors.	}	Respondents

Ms. Pradnya Talekar with Mr. Vinod
Sangvikar i/b. Mr. Satish B. Talekar for
the petitioners.

Ms. Sushma Bhende – AGP for respondent
nos. 3 to 6, 9 and 11.

CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.

DATED :- JANUARY 6, 2017

P.C. :-

1. Having heard Ms. Talekar appearing for the petitioners on the point of continuation of the ad-interim order and perusing the writ petition with its annexures, *prima facie*, we are of the view that the remedy under section 15 of the Administrative Tribunal Act, 1985, which is alternate and equally efficacious, can be availed of in the facts and circumstances of the present case. It is common ground and in terms of the documents annexed to the petition that this is a programme for eradication of Tuberculosis. That programme is implemented under auspices of the authority

who has issued the advertisement, but its implementation at the local level is by zilla parishads and other local authorities/bodies. However, once the appointment is pursuant to the advertisement and services are made over to the local authorities/bodies for implementation of this eradication programme, then, we are of the opinion that, *prima facie*, this tribunal and set up under the Administrative Tribunal Act, 1985 for taking cognizance of the recruitments to the civil posts and matters concerning thereto would have jurisdiction to entertain and try this petition.

2. This being not disputed by the petitioners, but the request is to continue the ad-interim order so as to enable the petitioners to approach the tribunal, we dispose of this petition with the following order:-

(i) To enable the petitioners to approach such tribunal, we continue the ad-interim order passed by this court for a period of 6 weeks from today.

(ii) We clarify that we have not expressed any opinion on the contentions of the parties, on merits, in relation to the advertisement, which is under challenge. All contentions of both sides in that regard are kept open.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)