

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13984 of 2017

Date of Decision: August 04, 2017

Manjeet Kumar

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Harpreet S. Rakhra, Advocate, for the petitioner.

Mr. Gaurav Jindal, Advocate, for respondent no.1.

Mr. I.S. Sidhu, Advocate, for respondent no.2.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner is seeking a writ of certiorari, quashing what is contended to be an office order dated 02.06.2017, Annexure P-7 (it actually being a communication from the office of the Principal Accountant General (Audit), Haryana, to the petitioner, informing him that for the past four years, the schedule of the SAS Examination “has been in August only” and so, in the preliminary examination held in January, 2017, only those employees were allowed to participate who have completed two years of service as on 01.08.2017, as also their probationary period.

The petitioners' contention is that what is contained in the letter, to the effect that he had not completed 2 years of service or

probationary period and therefore he was not eligible to participate in the examination in January 2017, is wholly a misconceived notion, as the petitioner not being in service in the first place, there was no question of his having completed 2 years of service. He was, in fact, seeking to appear in the examination so as to be eligible to apply for recruitment.

The merit of the petitioners' contention would not be gone into by this Court at all, as Mr. Sidhu, learned counsel for respondent no.2, has raised a preliminary objection on the maintainability of this petition before this Court at the first instance.

Section 14(1) (a) of the Administrative Tribunals Act, 1985, reads as follows:-

“14. Jurisdiction, powers and authority of the Central Administrative Tribunal- (1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to-

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post concerned with defence or in the defence services, being, in either case, a post filled by a civilian;”

Hence, though Section 3(q) of the aforesaid Act does not define recruitment to any post under the Union, to be included in the definition of service, however, with the bar contained in Section 14 (1) (a) of the aforesaid Act, I am of the opinion that the contention raised by Mr. Sidhu is

correct and the remedy that the petitioner must seek, is before the learned Central Administrative Tribunal.

Consequently, this petition is dismissed, with liberty to the petitioner to file an appropriate application before the aforesaid Tribunal.

August 04, 2017	(Amol Rattan Singh)
vcgarg	Judge
Whether speaking/reasoned:	Yes
Whether reportable:	Yes