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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3739 of 2018**

Sudhakar Khalkho S/o Shri Camil Khalkho, aged about 54 years,
R/o E- 1 Janpad Para, District Ambikapur, Surguja, Chhattisgarh

---- **Petitioner**

Versus

1. Union of India through the Secretary, Ministry of Personnel, PGA and Pensions, Department of DOP and T, Government of India, New Delhi.
2. Union Public Service Commission, through the Secretary, Dholpur House, Shahjan Road, New Delhi- 110069.
3. State of Chhattisgarh, through the Chief Secretary, Government of Chhattisgarh, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
4. A. Kulbhushan Toppo (I. A. S.), Special Secretary, Ministry of Forest Department, New Raipur, Chhattisgarh
5. Anil Kumar Tuteja, (I. A. S.) Posted in the Mantralaya, Indrawati Bhawan, Raipur, Chhattisgarh
6. Narendra Kumar Shukla (I. A. S.), Chairman, Chhattisgarh State Warehouse Corporation Limited, Excise Building, Labhandi, Raipur, Chhattisgarh
7. Niranjana Das (I. A. S.), Director, Urban Administration and Development Department, Indrawati Bhawan, Raipur, Chhattisgarh
8. Emil Lakra (I. A. S.), Special Secretary, Ministry of General Administration Department, S-3/31 Mantralaya, New Raipur, Chhattisgarh
9. Govindram Churendra (I. A. S.), CTP Commissioner, Scheduled Tribe Development Department, Indrawati Bhawan, Raipur, Chhattisgarh
10. Umesh Kumar Agrawal (I.A.S.), Collector, Durg, Chhattisgarh
11. Dhananjay Dewangan (I.A.S.), Collector, Bastar, Chhattisgarh

12. Dr. S. K. Alang (I. A. S.), Director, Social Welfare Kachhari Chowk, Raipur, Chhattisgarh
13. Chhattar Singh Dehre (I. A. S.), Secretary, Board of Revenue, Bilaspur, Chhattisgarh
14. Taaman Singh Sonwani (I.A.S.), Collector Kanker, Chhattisgarh

---- Respondents

For Petitioner : Ms. June Choudhary, Senior Advocate
 assisted by Ms. Sharmila Singhai, Advocate
 For Respondent/State : Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

17.05.2018

The grievance raised by the petitioner in the present writ petition is the non-consideration of the petitioner for grant of IAS Cadre by the respondents in spite of specific direction being granted by the Division Bench of this Court in WPS No. 727/2016.

2. It is noteworthy to refer to the directives given by the Division Bench of this Court in the writ petition preferred by the petitioner i.e. WPS No. 727/2016, the operative part of which is reproduced hereunder:

“11. (iii) Writ Petition (S) No. 727 of 2016 is further ordered directed that the case of the petitioner therein would be considered for inclusion in the IAS for the relevant year 2010 ignoring ACR entries for the years 2007-2008 and 2008-2009.

(iv) The Union Public Service Commission is directed to carry out the requisite drill and issue its final decision within a period of three months from the date of receipt of a copy of this order.”

3. It is contended by the petitioner that pursuant to the directives given

by the Division Bench of this Court, the Authority concerned with malafide intention and in order to circumvent the order passed by this Court has in an arbitrary manner taken a decision and has found the petitioner ineligible/unfit for being considered for promotion to IAS Cadre.

4. This Court is of the opinion that the directives given by the Division Bench of this Court in WPS No. 727/2016 was in exercise of its supervisory jurisdiction over the orders/judgments passed by the Central Administrative Tribunal. The Division Bench has not exercised its original jurisdiction under article 226 of the Constitution of India. In respect of any subsequent development which is adverse/detrimental to the interest of the petitioner, this Court is of the view that the remedy available to the petitioner lies in challenge the same before the Administrative Tribunal from where the proceedings had initially been drawn by the petitioner at the first instance vide OA No.1764/2013 before the Central Administrative Tribunal.

5. For the aforesaid reason, this Court is of the opinion that the present writ petition in its present form may not be maintainable before this Court. Accordingly, the present writ petition stands disposed of reserving the right of the petitioner to approach the Central Administrative Tribunal for redressal of his grievance by filing a fresh OA.

6. The Writ Petition accordingly stands disposed off with the aforesaid liberty.

Sd/-
P. Sam Koshy
Judge