

THE HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19030 of 2018

ORDER: (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 08.03.2018 passed in Contempt Petition No.8 of 2018 by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, observing that if there is any grievance with regard to non-compliance of the order by the respondent, the applicant, i.e., petitioner herein, can question the same by filing fresh O.A.

2. We hereby note that vide order dated 24.10.2017 passed in O.A.No.775 of 2017, the Tribunal directed the respondent to consider the representation of petitioner, if pending, in accordance with Rules and Law and pass a speaking and reasoned order and communicate the same to the petitioner within a period of three months from the date of receipt of a copy of the order. Consequently, vide order dated 29.01.2018, the Under Secretary to the Government of India, Department of Defence Production, has considered the said representation and rejected the same being devoid of merit.

3. The petitioner filed the Contempt Petition, as mentioned above, before the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, stating that Raksha Rajya Mantri is the

competent authority to consider his representation, but not the Under Secretary to the Government of India and therefore, the compliance in pursuance of the order dated 24.10.2017 is illegal and without jurisdiction. By order dated 08.03.2018, the Tribunal observed that if there is any grievance, the petitioner is at liberty to file fresh O.A.

4. Being aggrieved, the petitioner filed the present petition before this Court. However, the objection raised by the Registry was overruled by this Court vide order dated 04.06.2018.

5. The learned Assistant Solicitor General stated across the Bar that Raksha Rajya Mantri, who is the disciplinary authority of the petitioner, has delegated the power to the Under Secretary to the Government of India and therefore, the Under Secretary to the Government of India has considered the representation of the petitioner vide proceedings dated 29.01.2018.

6. Whether Raksha Rajya Mantri has delegated the power to the Under Secretary to the Government of India or whether the said authority has jurisdiction to pass the order or not has to be adjudicated in an appropriate petition after considering the rival contentions. Since the writ petition before this Court is against the order dated 08.03.2018 passed in Contempt Petition No.8 of 2018, we are of the considered opinion that the issue raised by the petitioner cannot be adjudicated by this Court.

7. In view of the above, we hereby dismiss the present writ petition, giving liberty to the petitioner to challenge the order dated 29.01.2018 before the Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

8. Accordingly, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

11th June, 2018
sj

