

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.17 of 2019

In
Civil Writ Jurisdiction Case No.12100 of 2017

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Rohit Kumar Ravidas, aged about 24 years (Male), Son of Late Nanku Ravidas, Resident of Mohalla- Nadraganj, Gaya, P.O. H.P.O. , P.S.- Civil Line, District- Gaya.

... .. Petitioner

Versus

1. The Union of India through Secretary, Ministry of Defence, New Delhi.
2. Commanding Officer, Military Hospital, Gaya. Bihar
3. Lieutenant Colonel-Cum-Presiding Officer, Military Hospital, Gaya. Bihar
4. Major, Administrative Officer, Military Hospital, Gaya. Bihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. S.D. Sanjay (Addl. S.G.)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 26-06-2019 Heard learned counsel for the petitioner and

learned counsel for the Union of India.

This application has been filed for reviewing the order dated 11.10.2018 passed in C.W.J.C. No.12100 of 2017 on the ground that on the plea of learned counsel for the Union of India this Court had refused to entertain the petition and directed the petitioner to approach the appropriate forum, accordingly, the petitioner filed an application before the Armed Forces Tribunal, Kolkata, but the Tribunal has refused to entertain the



application on the plea of lack of jurisdiction.

In that view of the matter, it has to be decided as to whether this Court has jurisdiction to entertain this application or as per the learned counsel for the Union of India, the petitioner has to approach the Administrative Tribunal, but certainly the order dated 11.10.2018 is required to be recalled.

In such view of the matter, the order dated 11.10.2018 passed in C.W.J.C. No.12100 of 2017 is recalled and the main writ petition is restored.

Accordingly, this Review petition is allowed.

Learned counsel for the Union of India is directed to file counter affidavit bringing on record to show that the post over which the petitioner is claiming his appointment is/was a civil post in the Defence Establishment. The dispute with respect to civil post in Defence Establishment can be looked into by the Administrative Tribunal constituted under the Central Administrative Tribunal Act, 1985.

Let main writ petition be listed after four weeks under proper heading.

In the meantime, the Union of India must file its counter affidavit, failing which, the counter affidavit will only be accepted on payment of cost of Rs.10,000/0 to be deposited



in the Patna High Court Legal Services Committee by the Union
of India.

(Shivaji Pandey, J)

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