

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19938 of 2019

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Syed Asim Ahmad Son of Syed Hesamuddin, Resident of Fkat No.302, Nisa Apartment, Near Dadiji Mandir, Band Road, P.O. and P.S.-Gandhi Maidan, Dist.-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Personnel and Training, North Block, Central Secretariat, New Delhi-110001.
2. The Chairman, Central Administrative Tribunal, 61/35 Copernicus Marg, New Delhi-110001.
3. the Principal Registrar, Central Administrative tribunal, 61/35 Copernicus Marg, New Delhi-110001.
4. The Deputy Registrar (E), Central Administrative Tribunal, 61/35 Copernicus Marg, New Delhi-110001.
5. The Registrar, Central Administrative Tribunal, Patna Bench, Niyojan Bhawan D-Block 1st of 4th Floor, Income Tax Circle, Bailey Road, Patna-800001.
6. The Head of Office-Cum-Section Officer, Central Administrative Tribunal, Patna Bench, Niyojan Bhawan D-Block 1st to 4th Floor, Income Tax Circle, Bailey Road, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, (Addl. S.G)
		Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 12-12-2019 Heard learned counsel for the parties.

The petitioner claims in the writ application that he was engaged as computer operator for Data Entry Work by communication dated 20.11.2012 issued under the signature of the Deputy Registrar, Central Administrative Tribunal, Patna Bench, Patna. He has put to challenge an office order dated 09.07.2019 issued by the Central Administrative Tribunal,



Principal Bench, New Delhi whereby the competent authority is said to have not agreed to extend the petitioner's engagement beyond 04.07.2019. Subsequent letter dated 18.07.2019 issued by the Central Administrative Tribunal, Patna Bench, Patna is also being challenged in the present writ application, which is apparently in compliance of the said letter dated 09.07.2019. A question had arisen as to whether the petitioner can maintain this writ application for the nature of relief which he is seeking or not or whether his remedy lies before the Central Administrative Tribunal.

Learned counsel appearing on behalf of petitioner has submitted that the Central Administrative Tribunal is not one of the notified bodies under the Administrative Tribunal Act, 1986 and therefore, the Tribunal does not fall within the scope of the said Act. Considering, however, the nature of dispute I do not intend to examine said legal aspect of the matter in the present case.

It is evident from the letter dated 20.11.2012, which is the basis of petitioners engagement, that the same was done in the light of Tender Notice No. 1/34/2012-GA dated 30.10.2012 issued by the Central Administrative Tribunal, Patna Bench, Patna. A copy of the said tender notice has been produced by



Mr. S.D. Sanjay, learned Additional Solicitor General of India and he has referred to clause 17 thereof to contend that any dispute in the matter of the agreement could be referred to a committee of two Members of the Tribunal whose decision would be final and binding on the parties. Clause 17, which is part of terms and conditions reads thus :-

“17. Disputes : Any disputes in the matter of this agreement shall be referred to a committee of two Members of CAT whose decision shall be final and binding on the parties.”

This writ application is accordingly disposed of with an observation that the petitioner may make a representation before the competent authority and seek reference of the matter before the two Members as contemplated under clause 17 of the terms and conditions as noted above. If the petitioner makes his application within one week from today it will be obligatory for the competent authority to constitute a committee as stipulated under the terms and condition and ensure that the decision is taken within three months thereafter.

(Chakradhari Sharan Singh, J)

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