

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1723 OF 2019**

Rajesh Subrahmanya Kallaje S/o Shri Subrahmanya Kallaje Aged About 41 Years R/o House No. D-08, Sumeet City Of Dreams, Kachna, Raipur Chhattisgarh. 492007.

...Petitioner(s)

Versus

Union of India Through The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Ali Ganj, Jorbagh Road, New Delhi – 110003.

... Respondent(s)

For Petitioner	:	Shri Kishore Bhaduri and Shri Kshitiz Sharma, Advocates.
For Respondent	:	Shri RK Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.03.2019

1. The dispute revolves in the present writ petition pertains to change of cadre.
2. According to the petitioner, he permanently belongs to the State of Karnataka and should have been allotted to Karnataka Cadre, but has been erroneously granted Nagaland cadre.
3. Perusal of record would show that the petitioner on an earlier occasion for the same dispute had approached the Central Administrative Tribunal (in short, CAT) vide OA No. 643 of 2017. The Principal Bench of CAT New Delhi vide order dated 21.02.2017 dismissed the OA on the ground of delay. The said order was subjected to challenge before the Delhi High Court vide WPC No.4337 of 2017. The Division Bench of the Delhi High Court also affirmed the order of Tribunal dismissing the application on the ground of delay vide its judgment dated 19.05.2017. The petitioner thereafter took the order of Tribunal as well as of the Delhi High

Court to the Supreme Court where the Supreme Court also dismissed the SLP affirming the order passed by the Tribunal as well as by the High Court of Delhi. Meanwhile, the petitioner had again made a representation to the concerned authorities in the department and there are certain notings of the department which show that perhaps the petitioner has been wrongly allotted different cadre. It is this observations in the note sheet which has been made basis for the filing of the present writ petition and which according to the petitioner is a fresh cause of action.

4. In view of the fact that the petitioner has filed the present writ petition in the light of the subsequent development that have occurred subsequent to the judgment of the Supreme Court as also the earlier decision of the Tribunal and High Court of Delhi, this court is of the opinion that the petitioner would have to again approach the Tribunal for ventilating his grievance in the light of subsequent development.
5. Accordingly, the petition stands disposed of holding it to be not maintainable before the High Court, reserving the right of the petitioner to approach the CAT for ventilating his grievance.
6. It is made clear that this court has not expressed any observations on the merits of the case so far as the claim put forth by the petitioner is concerned.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge