

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 29076 of 2018(O&M)
DATE OF DECISION : 05.08.2019

Harsh Kumar Sharma

... Petitioner

versus

Karan Avtar

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Petitioner in person.

None for the respondent.

ARUN MONGA, J. (ORAL)

1. Petitioner belongs to Indian Forest Service and is currently serving as Chief Conservator, Government of Punjab. He has filed the instant petition in person *inter alia* seeking issuance of a writ in the nature of *mandamus* for promoting him to the post of Principal Chief Conservator of Forests/ Additional Principal, Chief Conservator of Forests. Though, relief has been sought against the State/ Union of India, but neither the Union of India has been made a party nor State of Punjab. In fact, the array of parties shows that writ petition has been filed against one Sh. Karan Avtar, IAS, Chief Secretary, Government of Punjab by making him sole respondent in his individual capacity. Registry of this Court had rightly raised the objection qua the same, but the petitioner requested for putting the case “as it is” before this Court.

2. On a query posed by this Court at the time of hearing, as to how

the writ petition is maintainable against an individual person, no plausible explanation has been rendered by the petitioner. Even otherwise, in the reply affidavit filed on behalf of respondent, an objection has been raised that the petitioner being from Indian Forest Service ought to have approached the Central Administrative Tribunal under Section 14(1)(b) of Administrative Tribunal Act, 1985 for mitigation of his grievance, if any. In fact, perusal of the pleadings reflect that on earlier occasion when the petitioner had sought promotion to the post of Chief Conservator of Forests, he had approached Central Administrative Tribunal vide OA No. 549 of 2013.

3. In the premise, I see no reason why the petitioner be not relegated to seek mitigation of his grievance by instituting appropriate proceedings before the Central Administrative Tribunal, in accordance with law.

4. Accordingly, the writ petition is dismissed as not maintainable under extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India. However, liberty is granted to the petitioner to approach Central Administrative Tribunal, as observed supra.

(ARUN MONGA)
JUDGE

August 05, 2019
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |