HIGH COURT OF TRIPURA
AGARTALA

WA No.32/2018

1. North-East Regional Agricultural Marketing Corporation Ltd.(NERAMAC) of Rajbari-Path, G.S. Road, Guwahati, P.O.Guwahati, 781 005, represented by its Managing Director.

2. Managing Director, NERAMAC Ltd., having his office at Rajbari Path G S Road, Guwahati, P.O. Guwahati – 781 005.

…… *Appellant(s).*

Vs.

1. Sri Ajoy Choudhury, S/o Sri Sudhangshu Narayan Choudhury, resident of Badharghat, Sripalli, P.O. Dukli, Agatala, P.S. Amtali, District – West Tripura.

2. Shri Bijoy Kumar Deb, S/o Shri Manik Deb, resident of Camper Bazar, Hospital Road, P.O - S D Mission, P.S. - Amtali, District - West Tripura.

3. Shri Kanti Laskar, S/o Lt. Rabindra Chandra Laskar, resident of A. D. Nagar Road No.6, P.O & P.S - A.D. Nagar, Agartala, District - West Tripura.

4. The Joint Secretary, Government of India, Ministry of Development of North-East Region(for short DONER), Vigyan Bhavan Annexe, P.O. New Delhi, 110001 (Ex-officio Chairman, NERAMAC Ltd.).

5. The Union of India, represented by the Secretary, Ministry of DONER, Vigyan Bhawan Annexe, New Delhi - 110 001.

…… *Respondent(s).*

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HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE JUSTICE MR. S G CHATTOPADHYAY

For Appellant(s) : Mr. A Pal, Advocate.
For Respondent(s) : Mr. D K Biswas, Advocate,
Mr. Biswanath Majumder, CGC.
Date of hearing : 24th November, 2020.
Date of judgment : 1st December, 2020.
Whether fit for reporting : No.

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(Akil Kureshi, CJ).

This appeal is filed by the original respondents No.1 and 2 North-East Regional Agricultural Marketing Corporation Limited *(hereinafter to the referred as "NERAMAC Ltd.")* and its Managing Director respectively. They have challenged the judgment of the learned Single Judge dated 12th June, 2017 in WP(C) No.168/2012. The respondents No.1, 2 and 3 herein were the original petitioners. The petitioners were engaged by NERAMAC Ltd. in different capacities. They were terminated in the year 2011. They had challenged the termination orders before the Single Judge. The learned Single Judge granted limited relief by providing that they would be entitled to minimum of the regular pay scale attached to the posts on which they were discharging their duties from the date of engagement.

[2] The appellants have raised a preliminary objection to the maintainability of the writ petition before the Single Judge on the ground that NERAMAC Ltd. is one of the organizations notified by the Central Government as one of the authorities within the purview of the Central Administrative Tribunal under Section 14(2) of the Administrative Tribunals Act, 1985.

[3] It appears that this important aspect was not brought to the notice of the learned Single Judge by either side when the writ petition came to be disposed of. However, this would not, in any manner, vest the jurisdiction in the learned Single Judge if otherwise he did not have. As is well-settled, by virtue of the Constitution Bench judgment in case of ***L Chandrakumar Vs. Union of India and Ors.*** reported in ***1997(2) SCR 1186*** wherever Central Administrative Tribunal has jurisdiction over a subject matter, High Court would not entertain a writ petition at the first instance. In fact, it is brought to my notice that subsequently in case of petitioners No.2 and 3 their writ petitions WP(C) Nos.818/2018 and 819/2018 came to be disposed of as withdrawn by orders dated 20th December, 2018 on the ground that the jurisdiction lies before the Central Administrative Tribunal and not the High Court. That being the position, appeal is allowed. The judgment of the learned Single Judge is set aside only on this ground.

Petitioners are left to pursue the remedies available in law with respect to their grievances.

Pending application(s), if any, also stands disposed of.

(S G CHATTOPADHYAY, J) **(AKIL KURESHI, CJ)**

HIGH COURT OF TRIPURA
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