

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4603 OF 2020**

• Bharat Kumar Sahu, S/o Angira Lal Sahu, Aged About 25 Years, R/o near Mahima Hospital, behind Sarda Niwas, Kadambari Nagar, Durg, P.S. Mohan Nagar, District Durg (CG) PIN 491001 **... Petitioner**

versus

1. Union Of India, Through The Secretary, Department Of Railways, Rail Bhawan, New Delhi.
2. General Manager, South East Central Railway, Bilaspur Zone, Bilaspur, District Bilaspur (CG)
3. Divisional Manager, South East Central Railway, DRM Office, Opp. WRS, Raipur, District Raipur (CG)
4. Senior Divisional Personnel Officer, South East Central Railway, DRM Office, Opp. WRS, Raipur, District Raipur (CG) **... Respondents**

For Petitioner	:	Mr. Sudeep Johri, Advocate.
For Respondent No.1	:	Mr. Amit Banerjee, Advocate, under instructions of A.S.G.
For Respondents 2 to 4	:	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/12/2020

1. The present Writ Petition has been filed by the Petitioner seeking for the following reliefs:-

- "1. That the Hon'ble Court may be kind enough to call the record of the petitioner.
2. That the Hon'ble Court may be kind enough to issue a writ/writs, order/orders, direction/directions and to quash the impugned order Annexure P-1 & P-2.
3. That the Hon'ble Court may be kind enough to command the respondents to consider the candidature of the petitioner under the aforesaid scheme 2017 and further direct the respondents to appoint the petitioners on the respective posts.
4. That the Hon'ble Court may be kind enough to pass any appropriate writ, order or direction in the circumstances of the case."

2. Undisputedly, the Railways establishment is one which has been notified under Section 14 of the Administrative Tribunals Act, 1985 and the jurisdiction for deciding the service disputes within the Railways establishment has been conferred upon the concerned Central Administrative Tribunal.

3. Learned Counsel for Petitioner submits that the concerned Central Administrative Tribunal is not functioning normally because of prevailing COVID-19 pandemic situation and is only taking up urgent matters for hearing through the Video Conferencing, as per the latest circular issued by the Tribunal dated 2.11.2020.

4. Learned Counsel for Petitioner concedes that the present matter is not an urgent matter. The only reason why the Petitioner approached this Court is that other than the urgent matters the Tribunal is not taking up other matters for hearing and therefore the High Court should take up such matters which are not urgent for the Tribunal and as and when the situation normalizes such matters should be transferred to the Tribunal.

5. This argument of learned Counsel for Petitioner does not seem to be acceptable, for the reason that once when the jurisdiction has been conferred by the statutes upon the Tribunal, it would not be justified or appropriate for this Court to substitute itself as a Tribunal for entertaining the matters of admission, particularly when the Tribunals are in fact taking up urgent matters through Video Conferencing. This in other way means the matters not so urgent shall be taken up as soon as the situation normalises and where, admittedly, as per the contention of learned Counsel for Petitioner himself, the present matter is not an urgent matter. Moreover, there is a specific bar under section 28 of the Administrative Tribunals Act.

6. For the aforesaid reasons, this Court holds that the present Writ Petition is not sustainable and the same deserves to be and is accordingly dismissed, reserving the right of the Petitioner to approach the concerned Tribunal.

7. Writ Petition is dismissed accordingly.

Sd/-
(P. Sam Koshy)
JUDGE

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