

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-11186-2020

DATE OF DECISION: 28.10.2020

RAM NIWAS

... Petitioner (s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. V.K. Jindal, Senior Advocate with
Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. D.S. Nalwa, Addl.A.G., Haryana.

Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Partap Atma Ram, Advocate for
Respondent No.4.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner has sought quashing of the order dated 27/28.07.2020 (Annexure P-6) whereby the case of the petitioner for selection to the Indian Administrative Service has not been recommended.

Learned counsel for the respondents has raised preliminary objection that as the petition pertains to the appointment by selection to the post of IAS from the non-State Civil services officers, the Central Administrative Tribunal would have jurisdiction in the matter. He also contends that the similar matters pertaining to the advertisement dated 20.06.2020 pursuant to which, the petitioner had also applied, have been transferred by the coordinate Benches of this Court to the Central Administrative Tribunal, Chandigarh Bench, Chandigarh.

Learned counsel for the petitioner has, however, contended that as the petitioner has challenged the action of the State Government in not recommending his case for appointment to the Indian Administrative Service, this Court would be the appropriate forum to adjudicate the matter.

Heard.

The petitioner had applied for the selection to the Indian Administrative Service from the non-State Civil services officers in response to the advertisement issued on 20.06.2020. The refusal of respondent No.3 to recommend his case has been impugned in this petition. Section 14 of the Administrative Tribunal Act, 1985 is reproduced hereunder:

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal.- (1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to-

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;"

It is manifest from bare reading of Section 14 that not only matters pertaining to recruitment but also matters concerning

recruitment to any All India Service would lie within the jurisdiction of Central Administrative Tribunal. The issue in the instant petition which is in relation to the candidature of the petitioner for appointment to the Indian Administrative Service would fall within the jurisdiction of the Central Administrative Tribunal. The coordinate Benches of this Court in the cases of Dr. Rajesh Khoth Vs. State of Haryana and another, CWP No.10930 of 2020, decided on 05.08.2020, Dr. Vikas Saini Vs. State of Haryana and others, CWP No.11314 of 2020, decided on 06.08.2020 and Dr. Anil Balhera Vs. State of Haryana and others, CWP No.9096 of 2020, decided on 06.08.2020 and Vandana Sharma Vs. State of Haryana and others, CWP No.9145 of 2020, decided on 06.08.2020, had transferred the matters to the Central Administrative Tribunals. The petitioners therein were also seeking appointment to the post of IAS in response to the advertisement issued on 20.06.2020.

Therefore, I am of the considered opinion that the Central Administrative Tribunal has jurisdiction to entertain the petition in the light of Section 14 of the Administrative Tribunals Act. The case be put up before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh on 02.11.2020.

Needless to observe that the interim order dated 04.08.2020 shall stand vacated. It shall, however, be open to the petitioner to prefer an application for interim relief before the Central Administrative Tribunal.

In view of the above, petition stands disposed of.

Copy of this order be sent to the Central Administrative Tribunal,
Chandigarh Bench, Chandigarh, along with copy of the writ petition.

Parties are directed to appear before the Tribunal accordingly.

Ordered accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

28.10.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No