

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**LPA No. 797 of 2020 (O&M)**

**Date of decision: 09.11.2020**

**Ram Niwas**

**... Appellant**

**Versus**

**State of Haryana and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,  
CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Gagandeep Singh Wasu, Advocate,  
for the appellant.

Mr. D.S. Nalwa, Additional Advocate General, Haryana.

\*\*\*\*

**ARUN PALLI, J. (ORAL)**

The matter is being taken up and heard by video conferencing owing to the prevailing Pandemic (COVID-19).

This is an intra-court appeal, under Clause X of the Letters Patent, against a judgment and order dated 28.10.2020, rendered by the learned Single Judge, vide which the matter has since been transferred to the Central Administrative Tribunal, Chandigarh Bench, Chandigarh ('the Tribunal,' for short), for adjudication.

The appellant is serving as Treasury Officer in the Department of Finance, Government of Haryana. Pursuant to an advertisement No.1/2020, he applied for appointment by selection to one of the five advertised posts of Indian Administrative Service (Haryana Cadre) from Non-State Civil Services Cadre. However, vide order dated 27/28.07.2020

(Annexure P-6), his candidature was rejected. Accordingly, he assailed that order vide a writ petition, referred to above, and also prayed for a Mandamus, commanding respondent No.3 to issue him an eligibility certificate, in terms of Clause 4 of the advertisement. While issuing notice of motion on 4.8.2020, the learned Single Judge provisionally permitted the appellant to appear in the written examination, scheduled for 9.8.2020. During the proceedings, an objection was raised by the respondents, for the matter pertained to appointment to the post of IAS, from the Non-State Civil Services Officers, in terms of Section 14 of the Administrative Tribunal Act, 1985, (for short, 'the Act'), the Tribunal had the jurisdiction to adjudicate the dispute. Upon consideration of the matter, the learned Single Judge concluded that Section 14 of the Act not only takes within its sweep the matters in relation to recruitment, but also the matters concerning recruitment, to any All India Service would also lie within the jurisdiction of the Tribunal. Thus, for the matter in issue concerned the candidature of the appellant for appointment to the post of IAS, the Tribunal had the jurisdiction to examine and adjudicate the dispute. Accordingly, as indicated above, the matter was relegated to the Tribunal.

The only argument that has been raised by the learned counsel for the appellant is that the learned Single Judge, vide order dated 4.8.2020, had permitted the appellant to appear provisionally in the written examination, held on 9.8.2020, and as a result, he was amongst 25 candidates who were to be shortlisted. Therefore, he submits that learned Single Judge, while relegating the matter to the Tribunal, erroneously vacated the interim order dated 4.8.2020. Whereas, the Haryana Public

Services Commission (respondent No.4) ought to have been directed to include the name of the appellant in the list of shortlisted candidates, till the final decision in the matter by the Tribunal.

We have heard learned counsel for the parties and perused the records.

*Ex facie*, in terms of Section 14 of the Act, the jurisdiction, power and authority in relation to recruitment, and matters concerning recruitment to any All India Services lie with the Tribunal. The nature of the dispute, as demonstrated above, squarely lies within the ambit of Section 14 (*ibid*), and thus, the learned Single Judge, deemed it just and expedient to transfer the matter to the Tribunal.

It is not the case of the appellant either, for the Tribunal lacks jurisdiction to decide the *lis* between the parties, therefore, the impugned judgment and order is erroneous. Further, as indicated by the learned Single Judge, four other petitions, i.e. CWP No. 10930 of 2020 (Dr. Rajesh Khoth Vs. State of Haryana and another); CWP No. 11314 of 2020 (Dr. Vikas Saini Vs. State of Haryana and others); CWP No.9096 of 2020 (Dr. Anil Balhera Vs. State of Haryana and others) and CWP No. 9145 of 2020 (Vandana Sharma Vs. State of Haryana and others), wherein the petitioners were seeking appointment to the post of IAS, pursuant to the same advertisement, were transferred to the Tribunal, in terms of Section 14 of the Act.

The grievance of the appellant that the learned Single Judge erred in vacating interim order dated 4.8.2020, is also misplaced. For, while relegating the parties to the Tribunal, the learned Single Judge, being watchful of the interest of the appellant, observed, “***it shall, however, be***

*open to the petitioner to prefer an application for interim relief before the Central Administrative Tribunal.*” Not just that, while disposing of the petition, the learned Single Judge had required the parties to appear before the Tribunal on 02.11.2020. And, we are informed that parties have already submitted to the jurisdiction of the Tribunal on the appointed date. Thus, the Tribunal is in seisin of the dispute.

In the wake of the above, no ground is made out to interfere with the impugned judgment and order.

The appeal being bereft of merit is accordingly dismissed.

**(RAVI SHANKER JHA)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

**November 09, 2020**  
AK Sharma

Whether speaking / reasoned:  
Whether Reportable:

YES  
NO