

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12919 OF 2018

Sikandar Dagdu Pathan

..Petitioner

Versus

Union of India & Ors.

..Respondents

.....

Mr.Shikur Gafur Kudle for Petitioner.

Mr.Advait Sethna with P. Khosla for Respondents.

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**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- FEBRUARY 11, 2021.

PC :

1. The principal relief claimed by the petitioner by presenting this writ petition is that the respondents ought to have appointed him as a Postman with retrospective effect from March 14, 2011. However, such was not the relief claimed by the petitioner in Original Application No.07 of 2008 decided by the Central Administrative Tribunal, Bombay Bench, Mumbai by its order dated April 07, 2011, out of which this writ petition arises. In fact, the petitioner has not even challenged the order April 07, 2011 and has directly moved this Court for relief, as noted above.

2. In our view, a Division Bench of the High Court would not be vested with the powers to entertain a grievance of a Central Government employee, which has not been raised before the Tribunal at the first instance. Having regard to the decision of the Supreme Court in **L. Chandra Kumar vs Union Of India And Others, 1997 (2) SCR 1186**, the remedy of the

petitioner lies in approaching the Tribunal once again praying for such relief as is permissible in law.

3. The writ petition stands disposed of, without costs.

4. This order shall not preclude the petitioner to approach the Tribunal, in accordance with law.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)