

28.09.2022
DL-23
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22190 of 2022
with
CAN 1 of 2022

Samar Das & Ors.
Vs.
Union of India & Ors.

Mr. Debajyati Dutta,
Mr. Priyakshi Banerjee
....for the petitioners.

Mr. Shamit Sanyal,
Mr. Sabyasachi Roy
....for the applicants in CAN 1 of 2022.

This writ petition is filed pursuant to the liberty granted by the Hon'ble Apex Court by its order November 29, 2019 passed in Writ Petition (S) (Civil) No(s).1356/2019.

In compliance of the order passed by the Hon'ble Apex Court and in deference to the same, this writ petition is taken up for hearing today.

In the present writ petition, the petitioners have prayed for quashing and/or setting aside of the impugned order dated August 27, 2019 passed by the Chief Personnel Officer (Administration). The Chief Personnel Officer (Administration) considered the prayer of the petitioners who were contractual workers with the Eastern Railway for absorption in Railway Service and rejected the same. The said consideration was done pursuant to an order passed by the Division of this Hon'ble Court in W.P.T.C. 20 of

2019 on March 26, 2019. Under challenge in this writ petition is the “Impugned order” passed by the Chief Personnel Officer (Administration) on August 27, 2019.

Mr. Dutta, learned counsel appearing on behalf of the petitioners prayed for leave to withdraw the writ petitions with liberty to approach the appropriate forum.

He submits that under Section 14 of the Administrative Tribunals Act, 1985, matters concerning recruitments to any services or posts in connection with All India Services or any civil service of the Union or a civil post under the Union is to be agitated before the Central Administrative Tribunal.

The provisions of Section 14 Administrative Tribunals Act, 1985 have been clarified by a Full Bench decision of this Hon’ble Court in WP 21119 (W) 2011 (**Awadhesh Singh vs. Union of India**).

In the light of the submissions made hereinabove and the statutory provision of the 1985 Act, this Court is of the view that it does not have the jurisdiction to entertain the prayers made by the writ petitioners.

In the light of the discussions above, the writ petition is **dismissed** with liberty to approach the appropriate forum, if advised.

Mr. Dutta, learned counsel, appearing for the petitioners undertakes to pay deficit court fees by September 29, 2000.

In the event deficit court fees are not paid, the directions passed hereinabove shall stand revoked.

With the directions aforesaid, **WPA 22190 of 2022** is **dismissed**.

However, there will be no order as to costs.

Since no affidavits have been invited in the present writ petition, all the allegations contained therein are deemed not to have been admitted.

Since WPA 22190 of 2022 is dismissed, the application for addition of parties, being **CAN 1 of 2022**, is accordingly **disposed of** as being infructuous.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)