IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HONOURABLE MRS. JUSTICE N .MALA

W.A. No. 1292 of 2022
&
C.M.P. Nos. 8187 & 8188 of 2022

Mr. V. Kannathasan .. Appellant/Petitioner

Vs.

1. The Revenue Secretary,
Department of Revenue,
North Block, New Delhi.

2. The Chairman,
Central Board of Indirect Taxes & Customs,
Department of Revenue,
North Block, New Delhi.

3. The Member (Administration & Vigilance),
Central Board of Indirect Taxes & Customs,
Department of Revenue,
North Block, New Delhi.

4. The Under Secretary to Govt. Of India,
Ministry of Finance, AD-II Section,
Central Board of Indirect Taxes & Customs (CBIC),
North Block, New Delhi. .. Respondents

Prayer:

Writ Appeal under Clause 15 of Letters Patent as against the order dated 23.03.2022 passed in W.P. No. 23723 of 2021.

Prayer: in W.P. No. 23723 of 2021

This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Mandamus, directing and commanding the respondents to quash the CBIC Office Memorandum in CBIC Order F.No.32012/25/2018-AD-II, dated 16.08.2021 and (b) to quash the disciplinary proceedings in charge memorandum 47/2016, dated 06.12.2016, on the file of the CBIC Office Memorandum in F.No.C-14011/38/2010-Ad-V and (c) to consider the petitioner and pass orders directing the respondents to promote the petitioners to the post of Additional Commissioners with effect from 07.05.2018.

For Appellant :: Mr.Bhagavath Krishnan for
Mrs. Selvi

J U D G M E N T

S. Vaidyanathan,J.
And
N. Mala,J.

The present writ appeal has been preferred challenging the order dated 23.03.2022 passed in W.P. No. 23723 of 2021 by which the said writ petition was dismissed directing the writ petitioner to work out his remedy before the Central Administrative Tribunal.

2. The issue squarely falls within the domain of the Central Administrative Tribunal and this Court has no jurisdiction. The learned Single Judge has rightly dismissed the writ petition on the ground that the writ petitioner/appellant will have to work out his remedy before the Tribunal.

3. Therefore, we are not inclined to interfere with the order of the learned Single Judge as this Court has no jurisdiction to entertain the subject matter, which has to be primarily decided by the Central Administrative Tribunal .

4. The writ appeal therefore stands dismissed. No costs. Connected C.M.Ps are closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Revenue Secretary,
   Department of Revenue,
   North Block, New Delhi.

2. The Chairman,
   Central Board of Indirect Taxes & Customs,
   Department of Revenue,
   North Block, New Delhi.

3. The Member (Administration & Vigilance),
   Central Board of Indirect Taxes & Customs,
   Department of Revenue,
   North Block, New Delhi.

4. The Under Secretary to Govt. Of India,
   Ministry of Finance, AD-II Section,
   Central Board of Indirect Taxes & Customs (CBIC),
   North Block, New Delhi.

5.Copy to

The Registrar
Central Administrative Tribunal
Chennai.

W.A. No. 1292 of 2022

KJ(CO)
CT 26/05/2022