

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10610 of 2023

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CAT Bar Association through its President Munna Prasad Dixit (M.P. Dixit), Advocate, Son of Late Kailash Pati Dixit, Resident of Sriram Kunj, Ramnagari Sector - II, P.O. - Ashiyana Nagar, P.S. - Rajiv Nagar, District - Patna - 800025 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Government of India, Ministry of Personnel and Public Grievances and Pension, New Delhi - 110001.
2. The Principal Registrar, Central Administrative Tribunal, Principal Bench, Copernicus Marg, New Delhi- 110001.
3. The Registrar, Central Administrative Tribunal, Patna Bench, Niyojan Bhawan, Bailey Road, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Munna Pasad Dikshit (M.P. Dixit) (In Person)
For the Respondent/s	:	Dr. K. N. Singh, A.S.G. Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-07-2023

1. The writ petition is filed by the Central Administrative Tribunal Bar Association, Patna through its President. The Bar Association seeks extension of the term of the Member Judicial, CAT, Patna Bench; who is completing his tenure on 31.07.2023, i.e. today. The petitioner also relied on the orders passed by the Hon'ble Supreme Court. Annexure-1 is an order passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.268 of 2022 on 13.05.2022, wherein noticing the



vacancies of the Chairperson of the Central Administrative Tribunal, directed continuance of the Judicial Members and the Administrative Members, even after the completion of their tenures, subject to their consent and availability to act as Judges. It was specifically noticed that the arrangement is made till the next date of listing.

2. The writ petition was next posted, as is seen from Annexure-2, on 07.12.2022. Similar orders were passed extending the tenure of the Members specified in the order, again subject to the willingness of the officers concerned, that too until the selection process is completed and selected officers join. The said writ petition is kept pending before the Hon'ble Supreme Court. It is also specifically mentioned in Annexure-1 that the order is passed exercising the jurisdiction under Article 142 of the Constitution of India; which jurisdiction is not available to this Court.

3. The writ petition filed before the Hon'ble Supreme Court was pending and the petitioner herein was aware of the expiry of the term of the Judicial Member long before. The Association could have approached the Hon'ble Supreme Court for similar orders. The Association chose to appear before this Court on the day of the expiry of the term of the Judicial



Member, which is today.

4. We find no way to issue such directions as issued by the Hon’ble Supreme Court under Article 142 of the Constitution of India. We reject the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	03.08.2023
Transmission Date	

