



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: October 30, 2023*

+ W.P.(C) 14055/2023 & CM APPL. 55476/2023

(41) AMIT DHAKA

..... Petitioner

Through: Ms. Mandavi Pandey,
Mr. Vikas Tripathi, Mr. Girraj Singh
Yadav, Mr. Sanjeet Mishra and
Ms. Shreya Pandey, Advs.

versus

UNION OF INDIA AND ORS.

.... Respondents

Through: Mr. Shubham Prasad, GP for UOI
Ms. Radhika Bishwajit Dubey, SPC
for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 55476/2023 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 14055/2023

1. The challenge in this writ petition is to an order dated June 1, 2023, passed by the Central Administrative Tribunal Principal Bench, New Delhi ('Tribunal', for short) in Original Application No.936/2021 ('OA', for short) whereby the Tribunal has dismissed the OA on the ground that the Tribunal does not have jurisdiction to entertain the OA



as the petitioner is an employee of Sashastra Seema Bal ('SSB', for short) which is a paramilitary force and as such not amenable to the jurisdiction of the Tribunal.

2. We are unable to accept the conclusion drawn by the Tribunal, inasmuch as the case of the petitioner as noted by the Tribunal itself is for his absorption in the office of the Chief Controller of Accounts, Principal Accounts Office, Ministry of Home Affairs, Government of India, and the same is clear from prayer (b) which we reproduce as under:

“(b) To issue appropriate directions to the respondents to absorb the applicant to the post of Accountant in CCAS cadre at par with other similarly situated persons who have been absorbed vide aforesaid order dated 22/02/2021 (Annexure-A-2).”

3. The absorption being under the Union and in terms of the provisions of Section 14 of the Administrative Tribunals Act, 1985 which relates to jurisdiction, powers and authority of the Central Administrative Tribunal, the same contemplates jurisdiction to include recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian. Hence, the Tribunal has jurisdiction to entertain the OA.

4. Though, the Tribunal has relied upon its judgment in the case of ***Govindraju R.G. v. Union of India & Ors., OA. 367/2023***, which OA was rejected by the Tribunal on the ground that the applicant therein was similarly working in the SSB and as such, it does not have



jurisdiction, suffice to state, the said judgment has been set aside by this Court vide order dated July 18, 2023, in W.P.(C) 3372/2023, whereby the OA was remanded for a decision on merits. The said judgment is applicable to the facts of this case.

5. Learned counsel for the respondents has relied upon the order passed by the Supreme Court in the case of ***Lt. Col. Anjan Kumar Sinha v. Union of India & Ors., Petition for Special Leave to Appeal (C) No.16963/2023***, which is an SLP filed against the judgment dated July 28, 2023 in WP. No.9407/2023 passed by the High Court of Judicature at Bombay wherein according to the counsel, the Bombay High Court has upheld the order of the Tribunal dismissing the OA filed by Lt. Col. Anjan Kumar Sinha, on the ground of jurisdiction. We note, the Supreme Court has dismissed the SLP by stating, as the petitioner therein has been repatriated to his parent office, the impugned order need not be interfered with. According to her, in this case also the petitioner has been repatriated and hence the order be not interfered with.

6. We are unable to agree with the submission. The Supreme Court in ***Lt. Col. Anjan Kumar Sinha (supra)***, no doubt, has not interfered with the impugned order on the ground that the petitioner therein has been repatriated to his parent department, but in this case the Tribunal has dismissed the OA on the ground that it lacks jurisdiction and not on the ground that the petitioner has been repatriated to his parent department.

7. Accordingly, the impugned order dated June 1, 2023, passed by the Tribunal in OA.936/2021 is set aside and the Original Application



being OA.936/2021 is revived on the Board of the Tribunal with a direction to the Tribunal to consider the reliefs sought by the petitioner on merits and decide the same in accordance with law.

8. The writ petition is disposed of.
9. We list the matter before the Tribunal on November 16, 2023.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

OCTOBER 30, 2023/aky