

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10756 of 2024

Prashant Kumar Tandan

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Anand Kumar Ojha, Advocate
		Mr.Ashok Karna, Advocate
		Mr.Akshansh Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-09-2024

In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to conclude the inquiry with regard to the petitioner in light of order dated 09.12.2015 passed by CAT Bench, Patna in O.A. No. 050/00773/2014 whereby and under in paragraph no. 10 of the judgment the respondent was given liberty in the following terms "accordingly, we direct that the respondents shall further investigate the case of the petitioner (the applicant no. 1 in O.A.) in terms of the observation made in this paragraph and depending on its outcome they will take appropriate decision regarding his re-instatement in service. In view of the facts of the case, we are not directing the re-instatement of the applicant no. 1 in the interim."



(ii) For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to comply the order dated 18.09.2017 passed by Hon'ble Division Bench of Hon'ble Patna High Court in CWJC No. 13003 of 2016 whereby and under the Hon'ble Court passed the following order "it is a misplaced kind of writ application filed for wasting valuable judicial time of this Court. Petitioners have to take a call upon the order / direction of the Central Administrative Tribunal, Patna Bench, Patna. This court cannot help them in passing an order by calling further inputs after further inquiry. Let the petitioner pass the necessary order in terms of the leeway granted by the CAT.

The writ application is dismissed"

(iii) For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to re-instate the petitioner forthwith since no inquiry has been conducted and completed within 8 years after passing order by CAT Bench, Patna and order dated 18.09.2017 passed by Hon'ble High Court in CWJC No. 13003 of 2016 and give all monetary benefits to the petitioner for the conduct of the respondents in keeping the petitioner on verge of starvation in name of conclusion of inquiry.

(iv) To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case."

2. The aforementioned relief is not entertainable in writ petition, since petitioner has not assailed the order of Central Administrative Tribunal, Patna Bench, Patna. On the other hand, his grievance is to implement the orders of Central Administrative Tribunal, Patna. The same cannot be adjudicated in writ petition against the Central Administrative Tribunal, Patna order. Scope of



writ petition against Central Administrative Tribunal, Patna orders are limited to the extent of validity of an order of the CAT.

3. If the orders of CAT is not implemented in that event petitioner had remedy of filing contempt petition. If there is any delay in filing contempt petition in that event he has remedy of filing original application seeking implementation of the orders of CAT. Hon'ble Supreme Court in the case of ***Vipin Sahni and Another Vs. Central Bureau of Investigation*** reported in ***2024 SCC Online SC 511*** in Para 25 and it held as under:-

“25. We may also note that in the event a revision is lawfully instituted before the High Court but the same is thereafter found to be not maintainable on some other ground, it would be open to the High Court to treat the same as a petition filed under Section 482 Cr.P.C. in order to do justice in that case. However, the reverse analogy may not apply in all cases and it would not be open to the High Court to blindly convert or treat a petition filed under Section 482 Cr.P.C. as one filed under Section 397 Cr.P.C., without reference to other issues, including limitation. When the specific remedy of revision was available to the CBI, it could not have ignored the same and filed a petition under Section 482 Cr.P.C. We, therefore, find in favour of the appellants even on this count.”

4. The aforementioned principle that, if any, statutory remedy is available, like in the present case filing of contempt of Tribunal Application under the statute, in that event CWJC under



Article 226 of Constitution is not maintainable. Therefore, the present writ petition is not maintainable.

5. Accordingly, the present CWJC No. 10756 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2024
Transmission Date	NA

