

25.11.2024.
Item No. 5
Court No. 13
Sudipta

MAT 1119 of 2012
With
CAN 2 of 2012 (Old No. CAN 6567 of 2012)

Hindustan Copper Ltd.
Versus
Sri Ranjit Kumar Chowdhury & Ors.

Mr. Bikash Ranjan Neogi,
Mr. Guddu Singh,
Ms. Ananya Neogi.

...For the Appellant.

Mr. Kallol Basu,
Mr. Nilanjan Pal.

....For the Respondents.

1. The instant appeal is directed against the judgment and order dated 27.03.2012 passed by the Single Bench of the Court. The grounds taken in the Memo of Appeal are principally that the appellant ought to have been given an opportunity to file affidavit-in-opposition and was denied the same.
2. Be that as it may learned counsel for the appellant Hindustan Copper Limited has placed a notification of the Ministry of Personnel, Public Grievances and Pensions (DoPT) dated 1st December 2008 whereby and under all service matter relating to Hindustan Copper Limited and several other Central Government autonomous bodies have been brought under the purview of the Administrative Tribunals Act, 1985. In that view of the matter, the order

passed by the Single Bench would be without jurisdiction.

3. Mr. Basu, learned counsel for the respondents, has also fairly placed a Division Bench Judgment of this Court dated 22nd August 2017, that has held by reference to the decision of the Supreme Court in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in ***(1997) 3 SCC 261*** that when jurisdiction is conferred in respect of service matters on the Central Administrative Tribunal constituted under the Administrative Tribunals Act, 1985, the employees of such organization are required to approach the Tribunal first and thereafter if aggrieved, approach a Division Bench of this Court under Article 226 of the Constitution.
4. In that view of the matter the impugned judgment and order dated 27th March 2012 shall stand set aside.
5. If the writ petitioners approach the Central Administrative Tribunal within a period of 2 months from date, the delay in filing the same for seeking redressal of the grievances shall not stand in the way and the Tribunal is requested to deal with and dispose of the matter in accordance with the applicable rules within a period of 8 months thereof.

6. In view of the above observations, MAT 1119 of 2012 shall stand disposed of. CAN 2 of 2012 has already been disposed by an earlier bench.
7. There shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(*Rajasekhar Mantha, J.*)

(*Ajay Kumar Gupta, J.*)