

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.4552 OF 2024

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Sandesh Namdeo Kamble & Anr. ... Petitioners

V/s.

Union of India,
Through Deputy Director (Admin),
Ministry of Finance Department of
Revenue Intelligence & Anr. ... Respondents

Mr. B. S. Nayak for the petitioners.

Mr. Advait M. Sethna, Senior Advocate with
Poushali Roychoudhary for the respondents.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : OCTOBER 21, 2024

P.C.:

1. Heard Mr. B. S. Nayak, learned advocate representing the petitioners and Mr. Advait M. Sethna, learned Senior Advocate representing the respondents.

2. Under challenge in this petition filed under Article 226 of the Constitution of India is an order dated 13 June 2024, passed by the Additional Director, Mumbai Zonal Unit of Revenue Intelligence (DRI), whereby the claim of the petitioners for creation/sanction of posts has been rejected.

3. The said order has been passed in purported compliance of the judgment and order passed by this Court on 25 April 2018 in Writ Petition No.2149 of 2012, which was filed by the respondents challenging an order passed by the Central Administrative Tribunal, whereby certain directions for regularisation of services etc. of the petitioners were issued. It is also to be noticed that the Special Leave Petition No.19419 of 2018 preferred by the petitioners against the order passed by this Court on 25 April 2018 was also rejected by means of the order dated 23 November 2022.

4. When confronted with the query as to how the impugned order can be challenged by filing the instant writ petition under Article 226 of the Constitution of India without availing the remedy before the Central Administrative Tribunal by invoking the relevant provisions of the Administrative Tribunals Act, 1985, learned counsel for the petitioners has attempted to submit that since the order dated 13 June 2024 has been passed purportedly in compliance of the order passed by this Court dated 25 April 2018, the petitioners may not be relegating to the remedy before the Tribunal and this petition may be entertained.

5. We notice that the petitioners having been engaged to discharge their duties by the respondents as Class-IV employees, have been running from pillar to post since 2008, and further that the respondents have taken a period of more than six years for passing the impugned order from the date of the judgment of this Court dated 25 April 2018, however, in view of the law laid down by the Hon'ble Supreme Court in **L.**

Chandrakumar vs. India and Others, (1994) 5 SCC 539, the petitioners ought to invoke the remedy available to them under the Administrative Tribunals Act, 1985, by filing appropriate proceedings before the Tribunal. We, thus, are not inclined to entertain this writ petition. Writ petition is, therefore, disposed of with the liberty to the petitioners to take appropriate proceedings before the Central Administrative Tribunal under the relevant provisions of the Administrative Tribunals Act, 1985.

6. Having regard to the long litigation in this matter, we direct that in case any Original Application is preferred by the petitioners before the Central Administrative Tribunal, the proceedings thereof shall be expediated and shall be concluded, in any case, within a period of six months from the date of institution of the Original Application. We also direct that in case of institution of Original Application, the time frame for completing the pleadings to be provided by the Tribunal shall be strictly followed by the respondents and the petitioners as well.

7. The writ petition stands disposed of in the aforesaid terms. There will be no order as to costs.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)