



WP(MD). No.30950 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 31.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.30950 of 2025

B.Joshua Samuel

... Petitioner

Vs.

1. The Chairperson,,
Central Board of Indirect Taxes and
Customs (CBIC),North Block,
New Delhi- 110 001.

2. The Principal Chief Commissioner,
of CGST and Central Excise,
Cadre Controlling Authority,
Chennai Zone,26/1, Mahatma Gandhi Road,
Nungambakkam,Chennai - 600 034.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents to consider the petitioner's representations dated 18.05.2022, 25.03.2024 and 21.10.2024 and to grant him promotion to the grade of Assistant Commissioner with effect from 1st April, 2019, by extending the 4 percent reservation in promotion for PwBDs in terms of DoPT OM No.36012/1/2020-Estt. (Res-II) dated 17.05.2022 read with OM dated 28.12.2023 and Section 34 of the Rights of Persons with Disabilities Act, 2016, together with all consequential seniority, pay fixation and pensionary benefits, within time as stipulated by this Court.



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For Petitioner : Mr.Sudalai Muthu. N,

For Respondents : Mr.R.Gowrishankar,
Central Government Standing Counsel

ORDER

This Petition is filed to direct the respondents to consider the petitioner's representations dated 18.05.2022, 25.03.2024 and 21.10.2024 and to grant him promotion to the grade of Assistant Commissioner with effect from 1st April, 2019, by extending the 4% reservation in promotion for PwBDs in terms of DoPT OM No.36012/1/2020-Estt. (Res-II) dated 17.05.2022 read with OM dated 28.12.2023 and Section 34 of the Rights of Persons with Disabilities Act, 2016, together with all consequential seniority, pay fixation and pensionary benefits.

2. When the matter was taken up for hearing, this Court queried upon the learned counsel for the petitioner as to how the writ petition was maintainable and with regard to the service matters, jurisdiction lies exclusively with the Administrative Tribunal constituted under the Administrative Tribunals Act, 1985. In response, the learned counsel for the petitioner had replied that the present case does not involve any service disputes as such and the petitioner has only sought consideration of his representation by the authorities.



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3. Section 28 of the Administrative Tribunals Act, had excluded the jurisdiction of Courts except the Supreme Court or any Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, 1947 (14 of 1947) or any other corresponding law for the time being in force, shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to recruitment or matters concerning such recruitment or such service matters. When that be so, this Court cannot exercise its power under Article 226 of the Constitution of India to even direct the respondents to consider the representation of the petitioner and the positive prayer to grant a promotion to the grade of Assistant Commissioner.

4. In such view of the matter, this Court is of the view that the writ petition is not maintainable and according, this Writ Petition stands dismissed. However, the petitioner is at liberty to approach the Administrative Tribunal constituted under the Administrative Tribunals Act, 1985, if he is so advised. No order as to costs.

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Index: Yes/No
NCC: Yes/No
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K.KUMARESH BABU,J.

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TO

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