

(2014) 09 OHC CK 0065

In the Orissa High Court

Case No : Writ Petition (C) No. 14339 of 2014

Bansidhar Gochhayat

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 02-09-2014

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14, 3(q)

Citation : (2015) 1 OLR 12

Hon'ble Judges : P. Mohanty, J; Biswajit Mohanty, J.

Bench : Division Bench

Advocate : N.R. Routray, for the Appellant; A.K. Bose, A.S.G., for the Respondent

Final Decision : Disposed off

Judgement

1. Heard Mr. N.R. Routray, learned counsel for the petitioner and Mr. A.K. Bose, learned Assistant Solicitor General of India.

2. In this writ application, the petitioner prays to quash the order dated 22.7.2014 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 3260/00151 of 2014 under Annexure-1.

3. Learned counsel for the petitioner submits that the Tribunal relying on a decision of this Court passed in W.P. (C) No. 4601 of 2003 dismissed the Original Application on the ground of lack of jurisdiction to decide the matter.

4. Learned counsel for the petitioner relying on the decision of the Hon'ble Apex Court in the case Union of India and others Vs. Deep Chand Pandey and another, contends that in case of service disputes including casual employees and daily wagers of Government departments, the remedy of such persons lies before the Tribunal and not before the High Court. He further submits that the said decision of the Hon'ble Apex Court was not brought to the notice of this Court in W.P. (C) No. 4601 of 2003 and therefore, non-consideration of the case of the petitioner by the Tribunal on the ground of lack of jurisdiction, is not correct.

5. Perused the impugned order dated 22.7.2014, the order passed by this Court in W.P. (C) No. 4601 of 2003 and also the decision of the Hon''ble Apex Court reported in Union of India and others Vs. Deep Chand Pandey and another, . As it appears the decision of the Hon''ble Apex Court in Union of India and others Vs. Deep Chand Pandey and another, was not brought to the notice" of this Court while passing the order in W.P. (C) No. 4601 of 2003. Mr. Bose, learned Asst. Solicitor General of India fairly does not dispute that service matters involving casual employees of Government departments have to go before the Tribunal for their adjudication in view of the fact that Section 3(q) and 14 of the Administrative Tribunal Act, 1985 covers a very wide field.

6. In such background, this Court sets aside the order of the Tribunal under Annexure-1 and remands the matter to the Tribunal for re-hearing the case on merits.

7. The writ petition is accordingly disposed of.