

(2018) 04 GAU CK 0128
In the Gauhati High Court
Case No : WP(C) 2464 of 2018

DAFEDAR SINGH

APPELLANT

Vs

THE UNION OF INDIA AND 8 ORS.

RESPONDENT

Date of Decision : 23-04-2018

Acts Referred:

Citation : (2018) 04 GAU CK 0128

Hon'ble Judges : UJJAL BHUYAN, NELSON SAILO

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Ujjal Bhuyan, J.

Heard Mr. J.P.Das, learned counsel for the petitioner and Mr. B. Sarma, learned Standing Counsel, N.F. Railways, for the respondents.

Petitioner is a retired Senior Section Engineer in N.F. Railways. Following a domestic enquiry, penalty of recovery was imposed upon him. The order

of penalty was passed on 10.10.2013. Appeal preferred by the petitioner was dismissed by the appellate authority on 28.02.2014. Review petition filed

on 7.4.2014 was not disposed of and, at that stage, petitioner had approached this Court by filing W.P.(C) No.4227/2016. Taking the view that the writ

petition was premature as no order was passed on the review petition, the writ petition was dismissed on 22.07.2016. However, liberty was granted to

the petitioner to approach the Court again after disposal of the review petition. Thereafter, the review petition was dismissed by the reviewing

authority vide order dated 7.7.2015.

Petitioner realized that Central Administrative Tribunal, Guwahati Bench (for short the Tribunal) was the competent forum where he could

ventilate his grievance. Therefore, he preferred Original Application No.0040/00037/2017 before the Tribunal. Tribunal taking note of the order of this Court dated 22.7.2016, took the view that liberty was granted to the petitioner to approach the High Court again if he still felt aggrieved after disposal of the review petition. Therefore, by the order dated 22.03.2017 the original application was dismissed.

After hearing learned counsel for the parties, we feel that if the Tribunal has the jurisdiction to decide the grievance of the petitioner arising out of the

order of penalty while he was serving as Senior Section Engineer in the N.F. Railways, then question of

lack of jurisdiction on the part of the Tribunal would not arise notwithstanding the observation of this Court that petitioner had the liberty to approach

the Court after disposal of the review petition if he still felt aggrieved. Court as observed by the High Court has to be construed as the forum having

jurisdiction to adjudicate the grievance of the petitioner including the Tribunal. We have been informed and learned counsel for the parties are in

agreement that Tribunal has the jurisdiction to adjudicate the grievance of the petitioner.

In view of the above, we set aside the order of the Tribunal dated 22.3.2017 with the further direction that Tribunal may proceed with the said original

application in accordance with law. The writ petition stands disposed of.