
(2012) 09 AHC CK 0065
In the Allahabad High Court
Case No : C.M.W.P. No. 50359 of 2012

Manish Kumar Dubey

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 27-09-2012

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14
Constitution of India, 1950 — Article 226

Citation : (2013) 4 AWC 4182 : (2013) 138 FLR 412

Hon'ble Judges : Satya Poot Mehrotra, J; Het Singh Yadav, J

Bench : Division Bench

Advocate : Anil Kumar Misra, for the Appellant; A.N. Roy and R.B. Singhal, for the Respondent

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Het Singh Yadav, JJ.—The present Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India, inter-alia, praying for quashing the Advertisement dated-1.9.2012 to the extent indicated in Prayer (a) made in the Writ Petition. The said Advertisement has been issued for recruitment to Indian Economic Service/Indian Statistical Service.

2. We have heard Shri Anil Kumar Misra, learned Counsel for the petitioner, Shri R.B. Singhal, learned Senior Counsel assisted by Shri Sanjay Kumar Om, learned Counsel for the respondent No. 1 and Shri A.N. Roy, learned Counsel for the respondent No. 2.

3. Shri R.B. Singhal, learned Senior Counsel appearing for the respondent No. 1 has raised a preliminary objection that the services in question, namely, Indian Economic Service/Indian Statistical Service fall under the category of All India Services or, in any case, under the category of "civil service of the Union", and therefore, the Central Administrative Tribunal created under the Administrative Tribunals Act, 1985 has jurisdiction, powers and authority in relation to recruitment to the said services.

4. In the circumstances, the submission proceeds, the petitioner must first avail remedy under the Administrative Tribunals Act, 1985 before approaching this Court under Article 226 of the Constitution of India.

5. Reliance is placed on the decision of the Supreme Court in *L. Chandra Kumar Vs. Union of India* and others, .

6. We have considered the preliminary objection raised by Shri R.B. Singhal, learned Senior Counsel appearing for the respondent No. 1, and we are inclined to accept the same.

7. From a perusal of the provisions contained in section 14 of the Administrative Tribunals Act 1985, it is evident that the Central Administrative Tribunal has jurisdiction, powers and authority in relation to recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian.

8. The recruitment in the present case is to Indian Economic Service/Indian Statistical Service, which evidently fall under the category of "All-India Service" or in any case, under the category of "civil service of the Union". The petitioner, thus, has remedy before the Central Administrative Tribunal under the Administrative Tribunals Act, 1985.

9. In view of the decision of the Supreme Court in *L. Chandra Kumar v. Union of India* (supra), the petitioner is required to first approach the Central Administrative Tribunal under the Administrative Tribunals Act, 1985 before coming to this Court under Article 226 of the Constitution of India.

10. In view of the preliminary objection, the Writ Petition tiled by the petitioner is liable to be dismissed as not maintainable at this stage. The Writ Petition is accordingly dismissed as not maintainable at this stage without prejudice to the right of the petitioner to avail of remedy under the Central Administrative Tribunal Act, if the petitioner is so advised.