

(2022) 12 J&K CK 0027

In the Jammu And Kashmir High Court

Case No : CPSW No. 905 Of 2015 In Service Writ Petition No. 487 Of 2013

Nazir Ahmad Lone And Ors

APPELLANT

Vs

B.R.Sharma And Ors

RESPONDENT

Date of Decision : 14-12-2022

Acts Referred:

Administrative Tribunal Act, 1985 — Section 4, 17, 29

Citation : (2022) 12 J&K CK 0027

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : R.A.Bhat

Final Decision : Dismissed

Judgement

Sanjay Dhar, J

1. Through the medium of instant petition, the petitioners have complained about the violation of order dated 11.09.2013 passed by this Court in IA No.2295/2013 in SWP No.487/2013, whereby, respondents were directed to consider the claim of the applicants/petitioners strictly as per the rules occupying the field.

2. Statement of facts on behalf of respondents stands filed.

3. Since the main writ petition stands transferred to Central Administrative Tribunal vide order dated 14.12.2022 and a Co-ordinate Bench of this Court in case titled Abdul Qayoom Guroo vs. Ajeet Kumar Sahoo and Others, CCP(S) No.144/2020, decided on 29.09.2021, has, while considering the question as to whether Central Administrative Tribunal constituted under Section 4 of the Administrative Tribunal Act, 1985 ["the Act"] has power and authority under Section 17 of the Act to punish for contempt in relation to an interim order passed by the High Court in a writ petition, which was subsequently transferred to it under Section 29 of the Act, held that contempt proceedings in relation to orders passed by this Court in the petitions, which subsequently stand

transferred to the Tribunal under Section 29 of the Act, shall lie only and only before the Tribunal under Section 17 of the Act.

4. Therefore, in view of the aforesaid ratio laid down by this Court, the instant petition is held to be not maintainable. The same is, accordingly, dismissed with liberty to the petitioners to approach the Central Administrative Tribunal by way of an application under Section 17 of the Act read with Contempt of Courts (CAT) Rules, 1992.