
(1988) 01 AHC CK 0049
In the Allahabad High Court
Case No : Writ Petition No. 460 of 1988

Prem Chand

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-01-1988

Acts Referred:

Administrative Tribunals Act, 1985 — Section 28
Constitution of India, 1950 — Article 226

Citation : (1988) 2 AWC 1432

Hon'ble Judges : S.C. Mathur, J;K.N. Misra, J

Bench : Division Bench

Advocate : S.D. Singh, for the Appellant;

Final Decision : Dismissed

Judgement

1. The Petitioner's claim in this petition is that he was appointed on daily wages in the Directorate of Economics and Statistics, which is a Department of the Central Government, on daily wage basis and under relevant Rules/Orders, he was entitled to regularisation, but instead of regularising him fresh appointment was made in favour of opposite party No. 5 Sri Sohan Lal, since it is a service matter pertaining to a Department of the Central Govt., the jurisdiction of this Court is barred u/s 28 of the Administrative Tribunals Act, 1985.

2. The learned Counsel for the Petitioner, however, submits that the Petitioner was an Industrial Worker and. therefore the jurisdiction of Industrial Tribunal is not barred u/s 28 of the Act and, therefore, this Court can hear a petition under Article 226 of the Constitution. We are unable to agree with the submission of the learned Counsel. Under the Act, Central Tribunals have been constituted and they exercise jurisdiction in respect of service matters pertaining to employees of the Central Government and the authorities, who may, apart from the Tribunals, exercise jurisdiction, have been specified in Section 28. These authorities are-- (1) Supreme Court, and (2) Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, or any other corresponding law for

the time being in force. This Court will not be covered under either of the two clauses.

3. With reference to paragraph 19 of the Act the learned Counsel submitted that the jurisdiction of this Court to issue a writ of quo-warrantor is not barred. In view of the clear specification of the authorities in Section 28, we are unable to accept this submission.

4. In view of the above, the petition is dismissed.

5. A copy of this order shall be supplied to the learned Counsel for the parties on payment of requisite charges within ten days.