

(1992) 02 RAJ CK 0046

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4717 of 1990

Rajendra Pal Singh

APPELLANT

Vs

V.O.S. and Others

RESPONDENT

Date of Decision : 18-02-1992

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14, 28, 3

Citation : (1992) 1 RLW 100 : (1992) WLN 41

Hon'ble Judges : M.B. Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.B. Sharma, J.—Though the matter has been listed today for orders on the stay application, but in my opinion this Court has no jurisdiction to entertain the matter as it is with us the jurisdiction of the Central Administrative Tribunal. The reasons are as under:

2. The dispute relates to the recruitment/appointment to the post of Surveyor Assistant Gr. II under the Chief Engineer, Jaipur Zone, Cantt. Area, Jaipur. A service Selection Board was constituted by the Chief Engineer which was authorised to take interviews for selection on the post of Surveyor Assistant Gr. II. The petitioner being qualified and entitled for the said post, was called for interview through the Employment Exchange, he is said to have appeared before the interview Board and also claims that he has been selected. It will appear that the dispute relates to the recruitment/appointment to the civil post under the Union.

3. "Service Matters" has been defined in Section 3(q) of the Administrative Tribunals Act, 1985 (for short the Act) and in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of

any corporation owned or controlled by the Government as contained in Clauses (i) to (v). It will appear from the perusal of Section 14 of the Act that save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts except the Supreme Court 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. It will, therefore, appear that all matters relating to recruitment, and matters concerning recruitment, it is the Tribunal alone which has the jurisdiction and the jurisdiction of this Court is excluded. Again, if we read Section 28 of the Act, it will show that all powers and authority have now become exercisable under the Act in relation to recruitment and matters concerning recruitment to any service or post or service matters concerning members of any service or persons appointed to any service or post, in the behind jurisdiction of this Court is excluded.

4. I am, therefore, of the opinion that the matter relates to recruitment to a civil post under the Union and, therefore, the jurisdiction of this Court is excluded.

5. Consequently, this court, has no jurisdiction to entertain this writ petition. The writ petition is dismissed. The petitioner will be free to move afresh before the Central Administrative Tribunal, if he is so advised.