
(2014) 03 JH CK 0072

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6785 of 2011

Sanjeev Sharan

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-03-2014

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14

Citation : (2014) 03 JH CK 0072

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Sujit Narayan Prasad and Mr. Birendra Burman, for the Appellant; Chaitali C. Sinha, JC to AAG Mr. Jai Prakash, for State and Mr. Ashok Singh, CGC for UOI, for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.

I.A. No. 7234/2013

1. Prima facie, on perusal of the prayer made in the instant writ application, it is apparent that the issue relates to the matter pertaining to the recruitment in All India Services. The petitioner is aggrieved by preparation of a list by the State Government from which, the members of the All India Services are recruited from the State Administrative Cadre. The provisions of section 14 of the Administrative Tribunal's Act, 1985 are very specific in that respect and are quoted hereunder:

14. Jurisdiction, powers and authority of the Central Administrative Tribunal.- (1) 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-

(a) 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 defect or in the defect services, being, in either case, a post filled by a civilian;

(b) all service matters concerning-

(i) a member of any All-India Service; or

(ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, 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 of any corporation [for society] owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause(ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation [for society] or other body, at the disposal of the Central Government for such appointment.

2. The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies] owned or controlled by Government, not being a local or other authority or corporation [or society] controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different rates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court [***]) in relation to-

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs.

However, learned counsel for the petitioner seeks permission to withdraw this writ petition in order to pursue the remedy before the appropriate forum i.e. Central Administrative Tribunal in accordance with law. However, he submits that because the petitioner was pursuing the writ petition before this Court, the original application to be preferred before the Central Administrative Tribunal may be time barred.

2. In view of the prayer made, the writ petition is dismissed as withdrawn however with liberty to the petitioner to raise his grievances before the appropriate forum i.e. Central Administrative Tribunal, which may consider the question of delay sympathetically in view of the fact that the petitioner was pursuing the remedy before this Court.

I.A. also stands disposed of.