

Laxmikant Dhal and Others

Vs

State of Orissa and Others

Civil Appeal No. 147 of 1988

(Ranganath Misra, L.M. Sharma JJ)

12.01.1988

ORDER

1. Special leave granted.

2. The appellants are a group of people who had been selected for appointment to ministerial posts in the establishment of District Judge, Balasore in the State of Orissa. The recruitment was vacated and challenge was raised before the State Administrative Tribunal, Orissa. The Tribunal came to the conclusion that it had jurisdiction to entertain the dispute but it dismissed the claim on merit. The short question on which this appeal has to be allowed is that the Tribunal had no jurisdiction to entertain the dispute because a five Judge Bench of this Court in S. P. Sampath Kumar v. Union of India ((1987) 1 SCC 124 : (1987) 2 ATC 82 : AIR 1987 SC 386) has held that if such jurisdiction is conferred on the Tribunal set up under the Administrative Tribunals Act, control conferred on the High Court under Article 235 of the Constitution would be affected. By amendment Parliament has accepted that position. In such circumstances we must hold that the Tribunal had no jurisdiction to entertain the dispute. The finding on merit has, therefore, to be vacated as one without jurisdiction.

3. The appeal is allowed and the decision of the Tribunal is set aside. It is open to the appellants to ask for relief before the appropriate authority, if so advised. Status quo will continue for 10 days. No costs.

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