

H. N. Patro

Vs

Ministry Of Information and Broadcasting and Others

Civil Appeal No. 6044 of 1990

(CJI Ranganath Misra, M.N. Venkatachaliah, A.M. Ahmadi JJ)

06.12.1990

ORDER

1. Special leave granted.
2. Heard learned counsel for the parties. We are of the opinion that the order of the Central Administrative Tribunal was not open to challenge before the High Court. The Ministry of Information and Broadcasting, which is a wing of the Union of India, would be presumed to be aware of the provisions contained in the Administrative Tribunals Act, 1985 which read with Article 323-A of the Constitution of India, bars the jurisdiction of the High Court and, therefore, it should not have gone before the High Court invoking exercise of its jurisdiction. The High Court should also have been careful to satisfy itself that it had jurisdiction to deal with the matter, and make an order nullifying the direction of the Tribunal.
3. The learned Attorney General concedes, we hold that the concession is right, that the High Court had no jurisdiction to deal with the matter. The appeal is allowed and the impugned order of the High Court is set aside with costs of Rs 5000.

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