

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11663/2023

(Arising out of impugned final judgment and order dated 15-03-2023 in WPSB No. 27/2021 passed by the High Court of Uttarakhand at Nainital)

SANJIV CHATURVEDI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.109961/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.109963/2023-EXEMPTION FROM FILING O.T.)

Date : 04-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Sanjay R Hegde, Sr. Adv.
Mr. Govind Jee, AOR
Mr. Rohit Kumar Singh, Adv.
Mr. Omanakuttan K K, Adv.
Mr. Shahrukh Ali, Adv.
Mr. Tanay Hegde, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. In paragraph 5 of the impugned judgment passed by the High Court, the following has been observed:-

"5. The primary reliefs sought by the petitioner, in prayers 'a' and 'b', squarely fall within the jurisdiction of the Central Administrative Tribunal to consider. So far as the third relief is concerned, i.e. to seek a direction to the CBI to conduct an impartial and independent enquiry into the alleged forgery and fabrication of records by the other respondents, we are of the view that the petitioner has adequate remedy of preferring a complaint before the jurisdictional Police

Station for registration of a First Information Report, if a cognizable offence is disclosed. Even if the First Information Report is not registered, the petitioner has sufficient remedy of invoking the jurisdiction of the learned Magistrate, under Section 156(3) Cr.P.C., or even filing a criminal complaint under Section 200 Cr.P.C.”

2. From the aforesaid, it is evident that the High Court held that so far as prayers ‘a’ and ‘b’ respectively prayed in the Writ Petition were concerned, those could be looked into by the Central Administrative Tribunal (for short, ‘CAT’).

3. Mr. Sanjay R. Hegde, learned senior counsel, upon instructions, pointed out that his client has already approached the CAT, redressing the grievance as regards the elimination of his client from selection is concerned and also in regard to the illegal selection of the respondent No. 5.

4. Since, the matter is now at large before the CAT, we need not say anything further in this regard. It is for the CAT to look into the matter, on its merits, and take an appropriate decision.

5. The learned senior counsel further submitted that his case is also one of forgery and fabrication of records and the same should be investigated by CBI.

6. It will be too much for this Court to say anything in the aforesaid regard. If it is the case of the petitioner that some forgery or records have been fabricated, it is always open for him to take appropriate steps in that regard, in accordance with law, before the appropriate Forum.

7. In fact, the High Court has already said so in paragraph 5, which has been referred to above.

8. With the aforesaid, this petition stands disposed of.

9. Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)