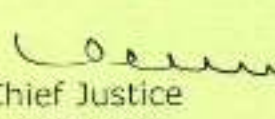


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| 07. | 23.02.12 | <p style="text-align: center;">BEFORE</p> <p style="text-align: center;">HON'BLE THE CHIEF JUSTICE MR. JUSTICE PERMOD KOHLI</p> <p>Present: Mr. N. Rai, Sr. Advocate with Ms. Jyoti Kharka, Advocate for the Petitioner.</p> <p>Mr. Karma Thinlay Namgyal, Central Govt. Advocate for respondents No. 1 to 6.</p> <p>Mr. Ramesh Kumar, Superintending Engineer, Central Water Commission, in person.</p> <p>Mr. Tempo Gyatso Bhutia, Advocate for respondent No. 7.</p> <p>Mr. B. Sharma Sr. Advocate with Mr. Tsewang Namgyal, Advocate for respondent No. 8.</p> <p style="text-align: center;">...</p> <p>This petition is directed against the Central Water Commission and its functionaries seeking compassionate appointment by invoking jurisdiction under Article 226 of the Constitution of India.</p> <p>One of the preliminary objections raised on behalf of the respondent relates to jurisdiction of this Court as a Court of first instance in view of the dictum of the judgment in L. Chandra Kumar vs. Union of India & others, reported in (1997) 3 SCC 261.</p> <p>This position is not disputed by Mr. N. Rai, learned Sr. Counsel appearing on behalf of the petitioner. In this view, this petition is not maintainable at this stage and the same is hereby dismissed with liberty to the petitioner to approach the Central Administrative Tribunal.</p> |

Case No.....

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| | | <p>In view of the pendency of this petition and earlier petition having been entertained by this Court, limitation will not come in the way of the petition.</p> <p style="text-align: right;">  Chief Justice 23.02.2012 </p> |
| | pm/gk | |
| | Index : Yes / No | |
| | Internet : Yes / No | |