

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

CWP No.2204 of 2017

Date of decision: 22.09.2017

Gurinder Kumar

..Petitioner

Versus

State of H.P. & others

. Respondents

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting? No.

For the petitioner: Mr.Saurav Rattan, Advocate.

For the respondents: Mr.Shrawan Dogra, Advocate General, with
Mr.J.K. Verma, Deputy Advocate General,
for respondent No.1.

Ms.Archana Dutt, Advocate, for respondent
No.2.

Mr.S.S. Sood, Advocate vice Mr.B. Nandan,
Advocate, for respondent No.3.

Sanjay Karol, Acting Chief Justice (oral)

We do not find the present petition to be maintainable, at the first instance, for in view of law laid down by the Hon'ble Supreme Court of India in *L. Chandra Kumar vs. Union of India and others*, (1997) 3 SCC 261, the jurisdiction to entertain the present petition is with the H.P. State Administrative Tribunal established under the Administrative Tribunals Act, 1985.

2. In the present petition, petitioner lays challenge to the Recruitment and Promotion Rules for the post of Physical Education Teacher in the Department of Elementary Education, Himachal Pradesh which, in fact, is a service matter.

3. In view of the same, petition is disposed of, reserving liberty to the petitioner to approach the Administrative Tribunal afresh, if so required and desired. Needless to add, withdrawal of earlier petition, as also the dismissal of the present petition shall not come in the way of the petitioner in invoking the jurisdiction of Administrative Tribunal for seeking appropriate relief, in accordance with law.

Pending applications, if any, also stand disposed of.

(Sanjay Karol)
Acting Chief Justice

September 22, 2017
(vt)

(Ajay Mohan Goel)
Judge