



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.11901 of 2024

Mr D Govinda Rao

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Petitioner

Represented by Adv. –

Mr. S.P. Mishra, Sr. Advocate
Soumya Mishra

-versus-

***1) The Chairman, Dept. Of
Atomic Energy, Mumbai***

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Opposite Parties

2) Director Of Institute Of Physics,
Odisha

Represented by Adv. –

3) Registrar Of The Institute Of
Physics, Odisha

Mr. D.K. Sahu, AGA

Mr.Bhabani Shankar
Rayaguru(cgc)

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

23.02.2026

Order No.

12.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard Mr. S.P. Mishra, learned senior counsel for the Petitioner as well as learned counsel for the State-Opposite Party and Mr. B.S. Rayaguru, learned Senior Panel Counsel appearing for Union of India. Perused the writ application as well as the prayer made therein. It is stated by learned counsels appearing for the Parties that the pleadings are complete from both sides.

3. By filing the present writ application, the Petitioner challenges order of termination dated 18.02.2022 at Annexure-10



passed by the Opposite Party No.3 and for a declaration that the impugned letter dated 22.04.2024 at Annexure-18 is void *ab initio* which was issued by the Opposite Party No.2. The Petitioner has also prayed for his re-instatement in the post of driver along with all consequential service and financial benefits.

4. Mr. Rayaguru, learned Senior Panel Counsel appearing for the Opposite Parties, at the outset, objected to the maintainability of the present writ application on the ground that the Opposite Parties in this case is the Department of Atomic Energy Government of India.

5. In the aforesaid context, he also referred to the Administrative Tribunals Act, 1985 and contended before this Court that the jurisdiction of this Court to entertain the present application is barred under Section 14 of the Administrative Tribunals Act, 1985. He also referred to the Appendix-VI and submitted that as per said Appendix the Department of Atomic Energy comes under the jurisdiction of the Central Administrative Tribunal.

6. On such ground, Mr. Rayaguru, learned counsel appearing for the Opposite Party contended that the present writ application is not maintainable.

7. Mr. Mishra, learned senior counsel appearing for the Petitioner in reply submitted that the Petitioner is a poor man and that the present writ application can still be entertained in exercise of the power of superintendence of this Court under Article 227 of



the Constitution of India. He further submitted that in the event, the Petitioner is asked to approach the Tribunal by filing a fresh writ application, the same may cause serious prejudiced to the Petitioner.

8. On a careful consideration of the submission made by learned Senior Counsel for the Petitioner as well as learned Senior Panel Counsel appearing for the Union of India, this Court is of the considered view that there is no doubt that the Department of Atomic Energy, Government of India comes under the jurisdiction of the Central Administrative Tribunal. Therefore, in view of the provision contained in Section 29(4)(b), the present case record is to be transferred to the Central Administrative Tribunal, Cuttack Bench, Cuttack.

9. Registry is directed to transmit the record to the Central Administrative Tribunal and upon receipt of such records, the Central Administrative Tribunal shall reregister the same and place the matter immediately before the appropriate Bench of the Administrative Tribunal.

10. Taking into consideration the urgency involved in the matter, the learned Administrative Tribunal is requested to make every endeavour to ensure that the matter is heard and disposed of at the earliest.

11. Learned counsels appearing for both sides are directed to cooperate with the learned Administrative Tribunal for an early disposal of the case.



12. Accordingly, the writ petition stands disposed of.

(A.K. Mohapatra)
Judge

Sisir