
(2018) 02 DEL CK 0562

In the Delhi High Court

Case No : Civil Writ Petition No. 1716, 1732, 1738 Of 2018, Civil Miscellaneous No. 7134, 7136 Of 2018

Mukesh & Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-02-2018

Acts Referred:

Citation : (2018) 02 DEL CK 0562

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ankit Kohli, Akshay Makhija

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. The subject matter of the above captioned three petitions is identical, therefore, with consent of learned counsel for parties, these petitions are being disposed of by this common order.

2. In the first round of litigation, petitioners had approached the Central Administrative Tribunal, New Delhi which vide order of 13th September, 2017

(Annexure A/12) had directed the respondent to consider the case of petitioners in light of judgment in Original Application No.215/2017 decided on

21st February, 2017 and the order passed in Writ Petition Nos.4829/2017, 5948/2017 and 6086/2017. Vide impugned order of 5th December, 2017

(Annexure A/1), a speaking order has been passed in pursuance to the directions issued vide aforesaid order (Annexure A/12).

3. At the outset, it was put to petitionersâ?? counsel as to why petitioners be not relegated to avail of the remedy against impugned order before the

Central Administrative Tribunal. Learned counsel for petitioners places reliance upon a decision of a Division Bench of this Court in Ajay Kumar

Mishra Vs. Union of India & Ors. 2016 SCC OnLine Del 6553 to submit that the case of petitioners is covered by this decision which has not been

adverted to in the impugned order.

4. Be that as it may. In Ajay Kumar (supra), question of jurisdiction was not raised. Whereas in the instant cases, it does arise. In the considered

opinion of this Court, the petitioners who had approached the Central Administrative Tribunal, New Delhi in the first instance, have to seek relief as

sought in this petition before Central Administrative Tribunal.

5. In view of the aforesaid, it is deemed appropriate to relegate petitioners to avail of the remedy before Central Administrative Tribunal. Considering

the nature of relief sought, it is expected that if an Original Application is filed by petitioners, then it will be decided expeditiously.

6. With aforesaid directions, the three above captioned petitions and the applications are disposed of.