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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8814/2015, CM APPL. No. 19674/2015 (Stay)**

Date of Decision : 17th September, 2015

RANJAN AGRAWALA & ORS. Petitioners
Through : Mr. Shankar Raju and Mr. Nilansh Gaur,
Advocates.

versus

UNION OF INDIA & ORS. Respondents
Through : Ms. Amrita Prakash, CGC and Mr. Srikant
Misra, GP.
Mr. Naresh Kaushik, Advocate for R-2.
Mr. Arun Bhardwaj, CGSC/UOI with
Mr. Rishi Kapoor, Advocate for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. The grievance in this writ petition is to the order passed by the Central Administrative Tribunal (CAT) dated 21.08.2015. Learned counsel for the petitioner submits that while the Tribunal has taken a view that the tribunal does have territorial jurisdiction in the matter, a finding has also been rendered on the merits of the matter without complete hearing. He further submits that the Tribunal has failed to follow the procedure for transfer as laid down in Section 25 of Administrative Tribunal Act.
2. Learned counsel for the respondent submits that the respondent had raised preliminary objection at the first opportunity available, however, the petitioner did not seek leave to approach the competent court of jurisdiction.

3. At this stage, learned counsel for the petitioner prays for interim protection for two weeks to enable him to approach the competent court of jurisdiction. He further points out that the respondent should be directed not to take coercive action as the petitioner has received the Show Cause Notices.
4. With the consent of both the parties, the present writ petition is disposed of with the following agreed directions.
 - i) The petitioner will make an application to the Central Administrative Tribunal. Since, the Tribunal has taken a view that the Tribunal lacks territorial jurisdiction, the OA will be returned to the petitioner to enable him to file the same before the appropriate court of jurisdiction.
 - ii) The finding of the Tribunal as far as it relates to the merits of the matter is set aside.
 - iii) The respondent will not taken any coercive action against the petitioner for two weeks from today.

In view of the above, the present writ petition along with the pending application is disposed of.

Copy of the order be given dasti under the signatures of Court Master.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 17, 2015

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