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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2165/2016

ROHIT CHOPRA

..... Petitioner

Through: Petitioner in person.

versus

THE CHAIRMAN MAULANA AZAD INSTITUTE OF DENTAL
SCIENCES AND ORS

..... Respondents

Through: Mr. Peeyosh Kalra, ASC.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **09.12.2016**

1. Petitioner seeks benefits as an employee of Government of NCT of Delhi. Disputes of employees of Government of NCT of Delhi with the Government of NCT of Delhi have to be decided by the Central Administrative Tribunal (CAT), Principal Bench, New Delhi as Government of NCT of Delhi is included in the list of institutions disputes of which with its employees have to be decided by CAT, and which is the court of original jurisdiction as per para 99 of the Constitution Bench judgment of the Supreme Court in the case of *L. Chandra Kumar vs. Union of India & Ors.*

(1997) 3 SCC 261. Para 99 of this judgment reads as under:-

“99. In view of the reasoning adopted by us, we hold that Clause 2(d) of Article 323A and Clause 3(d) of Article 323B, to the extent

they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323A and 323B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323A and Article 323B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls. The Tribunals will, nevertheless, continue to act like Courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the concerned Tribunal. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated.” (underling added)

2. Instead of dismissing the petition, at the request made on behalf of the petitioner, this petition is transferred for decision to CAT, Principal Bench, New Delhi. Parties to appear before the Registrar of CAT on 22nd December, 2016. Registry to ensure that file of this case is available to Registrar of CAT on the date fixed.

VALMIKI J. MEHTA, J

DECEMBER 09, 2016/Ne