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

+ W.P.(C) 4088/2016 and C.M. No.17193/2016 (stay)

PARVEEN KUMAR

..... Petitioner

Through: Mr. Aman Panwar, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Santosh Kumar Tripathy, ASC  
with Mr. Rizwan, Advocate.

+ W.P.(C) 6729/2016 and C.M. No.27610/2016 (stay)

SHOEB

..... Petitioner

Through: Mr. Abdul Jamal Nasir, Advocate  
with Mr. Mohd. Zubair, Advocate,  
Mr. Zameer Ahmed, Advocate and  
Mr. Mohd. Salman, Advocate with  
petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Gautam Narayan, ASC with Ms.  
Shruthi Parasa, Advocate for  
GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **09.12.2016**

1. Petitioners were employees of Government of NCT of Delhi  
and were employed for teaching in government schools. Disputes of

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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 petitions, at the request made on behalf of the petitioners, these petitions are transferred for decision to CAT, Principal Bench, New Delhi. Parties to appear before the Registrar of CAT on 22<sup>nd</sup> December, 2016. Registry to ensure that files of these cases are available to the Registrar of CAT on the date fixed.

**VALMIKI J. MEHTA, J**

**DECEMBER 09, 2016**

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