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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11364/2016

A K SRIVASTAVA & ORS

..... Petitioners

Through: Mr. A.K. Srivastava, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Sanjeev Narula, CGSC for UOI.
Mr. Naresh Kaushik, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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02.12.2016

1. I fail to understand as to why Advocates must insist that those matters be decided by this Court which are covered for decision by Central Administrative Tribunal inasmuch as such petitioners-employees are employees of an employer which is covered in the list of institutions disputes of which with its employees have to be decided by the Central Administrative Tribunal.

2. Employer in the present case is Union of India and therefore all disputes of the petitioners with the employer have necessarily to be decided by Central Administrative Tribunal, Principal Bench, New Delhi.

3. The Registry of this Court has informed this Court that some

lawyers in spite of the fact that the writ petitions of issues to be decided by CAT are insisted on being listed in the Court although the issues to be decided are clearly covered for decision by the Central Administrative Tribunal under the Administrative Tribunals Act, 1985 and the Constitution Bench judgment of the Supreme Court in the case of *L. Chandra Kumar vs. Union of India & Ors., (1995) 1 SCC 400*. The filing branch has informed that the Advocates insist on petitions being listed before Court subject to office objections.

4. Accordingly, it is directed that Registry will not entertain any petition if the disputes pertain to service matters which are covered under the Administrative Tribunals Act for being decided by Central Administrative Tribunal. If an Advocate still insists that the matters covered for decision by CAT are to be listed before this Court then the writ petition will be listed before Court only when an application is filed supported by the affidavit of the Advocate as to why the matter should not be heard by CAT in view of the Constitution Bench judgment of the Supreme Court in *L. Chandra Kumar (supra)*.

5. A copy of this order be sent to the Registry of this Court as well as to the Filing Counter of this Court.

6. At this stage, counsel for the petitioners says that the writ petition be allowed to be withdrawn with liberty to approach the Central Administrative Tribunal, Principal Bench, New Delhi.

7. The petition is allowed to be withdrawn with the aforesaid liberty.

VALMIKI J. MEHTA, J

DECEMBER 02, 2016/AK.
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