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

+ **W.P.(C) 162/2017 and C.M. Appl. Nos. 760/2017 (for stay),
761/2017, 762/2017 & 763/2017 (for exemption)**

SAURABH GAMBHIR Petitioner

Through: Ms. Shruti Srivastava, Advocate.

versus

UNION OF INDIA & ANR Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Mr.Sriram Krishna, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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09.01.2017

1. Attention of counsel for the petitioner was brought by the Registry of this Court to the fact that since the petitioner effectively seeks employment with the Government of National Capital Territory of Delhi (GNCTD), hence, the present writ petition will not lie in this Court but will have to be filed before the Central Administrative Tribunal, Principal Bench, New Delhi as employment with Ram Manohar Lohia Hospital/respondent no. 2 will be as an employee of GNCTD, and hence service matters as per Section 3(q) of the

Administrative Tribunals Act, 1985 have to be decided by the Central Administrative Tribunal, Principal Bench, New Delhi as GNCTD is covered in the list of institutions, disputes of which with its employees have to be decided by Central Administrative Tribunal.

2. Counsel for the petitioner has, and if I can say so, very gravely filed her personal affidavit stating that Central Administrative Tribunal will not have jurisdiction to entertain this petition. Only because counsel for the petitioner is a young counsel I am not taking this matter any further, but counsel is put to notice not to file petition where admittedly jurisdiction in the first instance is of Central Administrative Tribunal in view 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.

3. In view of the above and as prayed, this petition is allowed to be withdrawn with liberty to the petitioner to approach Central Administrative Tribunal, Principal Bench, New Delhi.

VALMIKI J. MEHTA, J

JANUARY 09, 2017

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