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

+ **W.P.(C) 9473/2017 & CM 38549/2017**

ANITA RANI

..... Petitioner

Through: Mr. A.K. Trivedi and Mr. Naveen
Kumar, Advocates

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Harsh Ahuja, Advocate for respondents
No.1 to 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.10.2017

Petitioner is an estranged daughter-in-law of respondent No.4 against whom petitioner had lodged an FIR under Sections 498-A/323/504/506/34 of IPC and in the said FIR, respondent No.4 was convicted by trial court, but the appellate court acquitted him and now, at the instance of petitioner, the matter is said to be pending before the High Court of Allahabad. In pursuance of directions issued by the Central Administrative Tribunal vide order of 29th July, 2015, respondents have initiated the process to dispose of the representation of respondent No.4. However, apprehending that voluntary retirement would be granted to respondent No.4, petitioner sent a Legal Notice of 10th June, 2017 (*Annexure P-8*) to respondents, which has been responded to by respondent No.3 on 3rd July, 2017 (*Annexure P-9*).

Later on, vide Communication of 16th August, 2017 (*Annexure P-10*), respondent No.3 has informed petitioner that voluntary retirement of

respondent No.4 has been accepted w.e.f. 31st August, 2017. A preliminary objection to the maintainability of this petition raised by learned counsel for respondent No.3 is that petitioner has to seek the remedies, if any, before the Central Administrative Tribunal.

Upon hearing, I find that in view of Section 14 of *the Administrative Tribunals Act, 1985*, the jurisdiction to deal with all service matters is of the Central Administrative Tribunal. Such a view is being taken in light of Constitution Bench decision of Supreme Court in *L. Chandrakumar v. Union of India* (1997) 3 SCC 261 which has been relied upon in various decisions of this Court from time to time to hold that the initial jurisdiction would be of the Central Administrative Tribunal in matters essentially pertaining to service matters.

In view of aforesaid, this petition is disposed of with direction to petitioner to seek remedies before the Central Administrative Tribunal, who shall examine petitioner's case in light of Rules 9 (4) and 69 of the *CCS (Pension) Rules, 1972* if petitioner approaches Central Administrative Tribunal within four weeks.

This petition and the application are disposed of in the above terms.

(SUNIL GAUR)
JUDGE

OCTOBER 27, 2017

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