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

+ **W.P.(C) 9341/2017**

VIVEK MANCHANDA

..... Petitioner

Through: Mr. Bhaskar. Vali, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Naresh Kaushik and Mr. Omung
Gupta, Advs. for R-2
Mr. Sanjeev Narula, CGSC with Ms.
Anumit Chandra and Mr. Hanu
Bhaskar, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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03.11.2017

C.M. 38142/2017 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 9341/2017

This Court is of the opinion that the claim made i.e. quashing of appointment of fourth respondent, as a Controller General of Defence (Accounts), the Ministry of Defence, is not maintainable.

Though the proceedings has been styled as a Public Interest Litigation, the judgment of Supreme Court in *Duryodhan Sahu Vs. Jitender Kumar Mishra*, 1998(7), SCC 73, clarifies that such proceedings are not maintainable.

More importantly, the Court has been apprised of the fact that

the person aggrieved i.e. Mr. Subarto Prasad has approached the Central Administrative Tribunal in OA NO. 707/2017. The Tribunal is apparently ceased of the matter.

In these circumstances, the Court is of the opinion that the present writ petition is not maintainable.

This is without prejudice to the rights and contentions of the aggrieved parties before the Tribunal.

The writ petition is dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 03, 2017

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