

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

Date of Order: December 22, 2017

+ **W.P.(C) 11565/2017**

MS. DIBA SAGGAR Petitioner
Through: Mr.Rakesh Malhotra, Advocate

versus

UNION OF INDIA Respondent
Through: Mr.Kirtiman Singh, CGSC, Mr.Rishabh
Sahu and Mr.Waize Ali Noor, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
ORAL

CM No.47135/2017

Allowed subject to just exceptions.

W.P.(C) No.11565/2017 & CM Nos.47136-37/2017

1. In this petition, promotion to the post of Technical Officer (D) is sought by petitioner. There are ancillary prayers too. At the outset, learned counsel for respondent raises jurisdictional issue by pointing out that the relief sought by petitioner has to be adjudicated by Central Administrative Tribunal, Delhi. Learned counsel for petitioner draws attention of this Court to a decision of Supreme Court reported as *Hari Bansh Lal Vs. Sahodar Prasad Mahto & Ors.* (2010) 9 SCC 655 to

submit that writ of quo warranto lies as the promotion granted to the selected candidates is irregular.

2. Upon hearing, I find that the decision of Supreme Court in *Hari Bansh Lal* (supra) is of no avail for the reason jurisdictional issue was not subject matter of consideration therein. This petition has been filed without impleading the promoted candidates. In view of the above, it is deemed appropriate to dispose of this petition while relegating petitioner to Central Administrative Tribunal, Delhi.

3. This petition and the accompanying applications are accordingly disposed of.

**SUNIL GAUR
(JUDGE)**

DECEMBER 22, 2017

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