

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

Date of Order: March 19, 2018

+ **W.P.(C) 2553/2018 & CMs 10541-44/2018**

YOGENDRA MITTAL Petitioner

Through: Mr. Vijay Aggarwal and Mr.
Ashish, Advocates

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Arun Bhardwaj, CGSC

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. The order impugned in this petition is of 18th December, 2017 (*Annexure-A*), which declines petitioner's application seeking appointment of an advocate as Defence Assistant in the departmental proceedings pending against petitioner.
2. At the outset, learned counsel for respondents submits that against impugned order, petitioner has to approach the Central Administrative Tribunal, New Delhi.
3. Learned counsel for petitioner submits that impugned order is an interlocutory one and so, in view of Rule 22 (ii) of *the Central Civil Services (Classification, Control and Appeal) Rules [for short CCS (CCA) Rules]*, this petition is maintainable, as the remedy lies before the Administrative Tribunal against a final order.

4. Upon preliminary hearing, I find that petitioner is an Officer of Indian Revenue Service, who, during the course of departmental proceedings, has questioned impugned order vide which petitioner's application for appointment of an advocate as Defence Assistant has been declined. As per afore-referred Rule 22 (ii) of *the CCS (CCA) Rules*, an interlocutory order passed during the course of departmental proceedings cannot be challenged by way of an appeal, but it can be done by way of an application before the Central Administrative Tribunal. As per Section 14 of *the Administrative Tribunals Act, 1985*, the jurisdiction to test the validity of impugned order is of Central Administrative Tribunal.

5. In view of above, this petition and the applications are disposed of while relegating petitioner to avail of the remedy against impugned order before the Central Administrative Tribunal, New Delhi.

(SUNIL GAUR)
JUDGE

MARCH 19, 2018

S