

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

Date of Order: February 07, 2018

+ **W.P.(C) 1154/2018 & C.M. 4837-38-39/2018**

EX. CONSTABLE (DRIVER) SHAYAM SUNDER ... Petitioner
Through: Ms. Poonam Mahajan, Advocate

Versus

LT. GOVERNOR (GOVT. OF NCT OF DELHI) AND ORS.
..... Respondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner was working as Constable (Driver) with Delhi Police and due to a criminal case [u/s 406/498A IPC] registered against him, he was dismissed from service in the year 1998. It is not in dispute that dismissal of petitioner from service was consequent upon a departmental inquiry.
2. Learned counsel for petitioner submits that petitioner has been acquitted in the criminal case on 18th April, 2012 and has also obtained divorce from his wife and thereafter, had approached the Central Administrative Tribunal, New Delhi but had withdrawn the Original Application. It is so evident from order of 9th November, 2017.
3. It is evident from Section 14 of *The Administrative Tribunals Act, 1985* that all service matters pertaining to service in connection with

affairs of authority controlled by State Government or any local or other authority or any corporation or other body at the disposal of State Government, are required to be dealt with by the Central Administrative Tribunal. Since the jurisdiction to seek reinstatement of petitioner lies with the Central Administrative Tribunal, therefore, petitioner ought to avail of the remedies by approaching Central Administrative Tribunal, New Delhi within four weeks.

4. In view of aforesaid, this petition and application are disposed of with permission to petitioner to invoke jurisdiction of the Central Administrative Tribunal who shall proceed on merits, if it is so done.

(SUNIL GAUR)
JUDGE

FEBRUARY 07, 2018

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