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

+ **W.P.(C) 8194/2019**

**DR. SURENDER KUMAR GUPTA** ..... Petitioner

Through: **Mr. Sourabh Ahuja, Advocate.**

versus

**GOVT. OF NCT OF DELHI AND ORS.** ..... Respondents

Through: **Ms. Avnish Ahlawat, Mr. Nitesh Singh, Ms. Laveena Arora & Ms. Palak Rohmetra, Advocates for respondents/ GNCTD.**  
**Mr. Anil Soni, Standing Counsel for the respondent No.4/ AICTE.**

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**30.07.2019**

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**C.M. No. 34013/2019**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 8194/2019**

The petitioner has preferred the present writ petition to assail the order dated 03.12.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in M.A. No.4635/2018 in O.A. No.4470/2017. The petitioner's Original Application is pending consideration before the Tribunal which is directed against rejection of the

petitioner's request for counting his past service with the Moradabad Institute of Technology (MIT) as qualifying service. The respondents during pendency of the Original Application have sent a communication dated 12.09.2018 to the MIT seeking information with regard to the petitioner's service with that institute between 16.02.2000 and 01.07.2002. The petitioner joined the respondent department on 03.07.2002 as Lecturer. The petitioner moved the Miscellaneous Application to seek a stay against the respondents from seeking the information as sought by them vide communication dated 12.09.2018. The Tribunal has rejected the said Misc. Application by observing that the information sought by the respondents would be helpful in adjudication of the disputes between the parties.

The submission of learned counsel for the petitioner is that the respondents have already sought information from the MIT earlier when the petitioner had joined the respondents as Lecturer in 2002. He submits that the respondents, while rejecting the petitioner's claim, have taken only two grounds. He submits that the respondents cannot add to the grounds by seeking further information from the MIT. He also places reliance on Section 19(4) of the Administrative Tribunals Act, 1985, to submit that all proceedings for redressal of grievances in relation to the subject matter of the Original Application pending immediately before the admission of the Original Application abate and no appeal, or representation in relation to such subject matter shall be entertained after the Original Application is admitted by the Tribunal.

We have perused the communication dated 12.09.2018 issued by the respondents to the MIT; the impugned order; as well as Section 19(4) of the Administrative Tribunals Act; and considered the submissions of learned

counsels and we do not find any merit in the same. The petitioner's claim is for counting his past service with MIT between 16.02.2000 and 01.07.2002 as qualifying service with the respondents. This is a matter which has to be determined by the respondents after examining the same in terms of the extant rules. The petitioner cannot seek to obstruct the process of gathering information which may be relevant to decide the said issue. Merely because the rejection of the petitioner's request may have cited two grounds, it does not preclude an inquiry into the petitioner's claim by the respondents.

Reliance placed on Section 19(4) of the Administrative Tribunals Act is misplaced. Sections 19(3) and 19(4) of the Administrative Tribunals Act read as follows:

*“3) On receipt of an application under sub-section (1), the Tribunal shall, if satisfied after such inquiry as it may deem necessary, that the application is a fit case for adjudication or trial by it, admit such application; but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons.*

*(4) Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules.”*

Section 19(4) merely states that pending applications of the applicant to seek redressal of his grievances shall abate once the applicant has moved an Original Application which has been admitted. This does not disable the concerned employer/ Department from, on its own, examining the claim of the applicant. The information sought by the respondent would also be

relevant from the point of view of the respondents defence in the Original Application.

We, therefore, find no merit in this petition. Dismissed.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**JULY 30, 2019**

*B.S. Rohella*