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

+ W.P. (C) 2030/2020 & CM No. 15542/2020

MANI BHUSHAN TIWARI

..... Petitioner

Through Mr. Sanjay R. Hegde, Sr. Advocate
with Mr. Anil Kumar Mishra,
Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through Mrs. Avnish Ahlawat, Standing
Counsel GNCTD (Services) with
Mr. Nitesh Kumar Singh and
Ms. Palak Rohmetra, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.07.2020

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Hearing has been conducted through Video Conferencing.

By way of present Petition, Petitioner who is a Grade-I DASS (Delhi Administrative Subordinate Services) Officer and posted as a Section Officer in the Department of Education, Government of National Capital Territory of Delhi (GNCTD), lays a challenge to an Order No. 534 dated 31.10.2019, by which he has been compulsorily retired.

Service matters relating to DASS Cadre under GNCTD are covered under the Administrative Tribunal Act, 1985. In view of Section 14(1) read with Section 3(q) of the Administrative Tribunals Act, 1985, this Court has no jurisdiction to entertain the present Petition.

Central Administrative Tribunal has the jurisdiction to entertain ‘service matters’, in the first instance, with respect to the Ministries / Departments covered under the Act/notified under Rule 154(b) of the Administrative Tribunal Rules of Practice, 1993. This has been clearly held by the Supreme Court in the case of ***L. Chandra Kumar v. Union of India and Others, [(1997) 3 SCC 261]***. It was further held that High Courts will have the power of Judicial Review under Articles 226 and 227 of the Constitution of India over the orders passed by the Tribunals.

Petitioner being a Grade-I DASS officer is thus amenable to the jurisdiction of the Tribunal.

Mr. Sanjay R. Hegde, Learned Senior Counsel for the Petitioner, on instructions from the Petitioner, seeks permission to withdraw the present Petition, with liberty to approach the Central Administrative Tribunal.

Present Petition along with accompanying Application for early hearing is accordingly disposed of, granting the liberty, as prayed.

Date of hearing in the Petition is 07.08.2020 and has come up today on account of the application for early hearing which stands disposed of, as above. Date of 07.08.2020 is hereby cancelled.

JYOTI SINGH, J

JULY 20, 2020/yo