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

+ W.P. (C) 2829/2020 and CM No. 15543/2020

RAM PHOOL MEENA

..... 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 an Adhoc DANICS Officer and posted as an Administrative Officer, Department of Education, Government of National Capital Territory of Delhi (GNCTD), notionally posted in the Department of Trade and Taxes, GNCTD, lays a challenge to an Order No. 530 dated 31.10.2019, whereby he has been compulsorily retired.

Service matters relating to DASS Cadre/DANICS 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 an adhoc DANICS 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 is accordingly disposed of, granting the liberty, as prayed.

JYOTI SINGH, J

JULY 20, 2020/yo