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

+ WP(C) 3232/2020

RAM NIWAS SOLANKI & ORS. Petitioners

Through Ms. Chetanya Singh, Advocate

versus

GOVT. OF NCT OF DELHI & ANR. Respondents

Through Ms. Avnish Ahlawat, Standing
Counsel with Mr. N. K. Singh and
Ms. Palak Rohmetra, Advocate for R-
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Ms. Namrata Mukim, Standing
Counsel for R-2/NDMC

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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22.05.2020

CM No.11257/2020 (Exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

CM No.11258/2020 (exemption from filing court fee)

In view of the prevailing situation, the application is disposed of with a direction to the applicants to pay the requisite court fee and place the attested copies of the affidavits on record, within a period of one week of lifting of the lockdown.

Application stands disposed of.

WP(C) 3232/2020

Hearing has been conducted through Video Conferencing.

Present petition has been filed by the Primary Teachers appointed by North Delhi Municipal Corporation teaching in primary sections of the schools, maintained and controlled by NDMC. The primary grievance of the Petitioners is that they have not been paid their salary from March 2020 till date. It is also averred that even in the past, payments towards salary were delayed and the arrears of the salary also have not been disbursed.

Ms. Ahlawat, learned counsel appearing on behalf of the Government of NCT of Delhi and Ms. Namrata Mukim, advocate appearing on behalf of the NDMC raise a preliminary objection to the maintainability of the present petition. It is argued that this court has no jurisdiction to entertain the present petition as this is a service matter and can be entertained only by the Central Administrative Tribunal.

I find merit in the contention of the learned counsels for the respondents. In view of Section 14 read with Section 3(q) of the Administrative Tribunals Act, 1985, this Court would have no jurisdiction to entertain the present petition as the Central Administrative Tribunal is the Court of first instance to entertain 'service matters' with respect to the Ministries / Departments notified under Rule 154(b) of the Administrative Tribunal Rules of Practice, 1993.

In the case of *L. Chandra Kumar v. Union of India and Others*, (1997) 3 SCC 261, Constitutional Bench of the Supreme Court has clearly held that only the Administrative Tribunal would have jurisdiction to entertain service matters in the first instance and writ petitions against the orders passed by the Tribunal would lie before the respective High Courts.

Faced with this, learned counsels for the Petitioners seek to withdraw the present petition with liberty to approach the Tribunal.

Present petition is accordingly disposed of with liberty as aforesaid.

JYOTI SINGH, J

MAY 22, 2020

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