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

+ W.P. (C) 4475/2020

ALL INDIA DGQA ENGINEERS ASSOCIATION Petitioner

Through Mr. Shivam Bajaj, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Siddharth Khatana, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.07.2020

Hearing has been conducted through Video Conferencing.

C.M. No. 16133/2020 (Exemption from filing duly notarized/ attested/ affirmed affidavits) & CM No. 16134/2020 (Exemption from filing certified copies of annexures, dim annexures, etc.)

These Applications have been filed seeking exemption from filing certified copies of annexures, dim annexures, small font size & less margin of annexures and duly notarized, attested & affirmed affidavits. The Applications are disposed of with a direction to the Applicant to file the same within 72 hours from the date of resumption of regular functioning of the Court.

W.P. (C) 4475/2020 & C.M. No. 16132/2020

The present Petition has been filed by All India DGQA Engineers Association which is an Association of the Engineers working with the

DGQA.

DGQA which is under the Ministry of Defence is covered under the Administrative Tribunals 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 and the Petitioner herein is amenable to the jurisdiction of the Tribunal.

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.

In view of *L. Chandra Kumar (supra)*, the present Petition is not maintainable before this Court.

At this stage, Mr. Shivam Bajaj, Learned Counsel for 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 are accordingly disposed of as withdrawn, granting the liberty, as prayed.

JYOTI SINGH, J

JULY 23, 2020/yo