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

+ W.P.(C) 4888/2020

COL. D.K. SHARMA (RETD.) Petitioner
Through Mr. Akhand Pratap Singh Chauhan,
Advocate

versus

UNION OF INDIA THROUGH SECRETARY
MINISTRY OF DEFENCE & ORS. Respondents
Through Mr. Rakesh Kumar, CGSC with Mr.
Jatin, GP for UOI

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **04.08.2020**

Hearing has been conducted through Video Conferencing.

CM 17650/2020 (Exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4888/2020 and CM 17649/2020

Subject matter of the present petition relates to fixation of seniority of Petitioner in the post of Additional Chief Construction Engineer in accordance with DOP&T O.M. dated 29.05.1986. Petitioner being an Army Officer was absorbed while on deputation with the DRDO and was at the relevant time holding the rank of Col. (TS). At present Petitioner is holder of a civil post and DRDO is covered by a Notification under the Administrative Tribunals Act, 1985. The Petitioner is thus amenable to the jurisdiction of the Central Administrative Tribunal.

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 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.

At this stage, Mr. Akhand Pratap Singh Chauhan Learned Counsel for Petitioner seeks 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

AUGUST 04, 2020

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