

\$~A-8

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

+ **W.P. (C) 5072/2020**

VISHAL BHABHUTA & ANR. Petitioners
Through Mr. C.M. Jha and Mr. Yogendra
Singh, Advocates

versus

UNION OF INDIA & ORS. Respondents
Through Mr. Gaurang Kanth, Advocate with
Mr. Himanshu Pathak, GP for UOI

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

07.08.2020

Hearing has been conducted through Video Conferencing.

CM 18303/2020 (Exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

W.P. (C) 5072/2020 and CM 18302/2020

Present Petition has been filed by Petitioners who were hired on contractual basis and joined services of Respondent No.2 in March 2015.

Prayer sought in the present petition is as under :-

a. To issue a writ of mandamus or any other appropriate writ/ direction/ order to the respondent to consider the priority right of the petitioners in the job at the post they are presently working and the Petitioners should not be replace by other set of contractual employee through the recruitment process presently issued dated 04.06.2020 or any other recruitment in future.

b. Direct the Respondents:-

- to stay the recruitment process issued on dated 04.06.2020 for the post on which petitioners are presently working.
- Not to terminate these contractual petitioners by another set of contractual employees.
- Not to disturb the service of the petitioners as it is the only source of income for the survival of the petitioners and their family
- To provide job security to the petitioner during this recession and corona time as our Prime Minister addressed to the nation.

c. To issue a writ of mandamus or any other appropriate writ/ direction / order to the respondent to regularize the petitioners and conferring them the permanent status till retirement or in alternative may provide them the job security by not removing them from their job till the date of their retirement as one time measure.

d. Direct the respondent to deduct the number of seats as held by the petitioners, and advertise only for the remaining seats as left after such deduction.”

Mr. Gaurang Kanth appearing on behalf of the Respondents takes a preliminary objection to the jurisdiction of this Court. He submits that Ministry of Health is covered under the Notification of the Administrative Tribunals Act, 1985 and by virtue of Section 14 of the said Act, Court has no jurisdiction.

I find force in the submission of Mr. Kanth. Petitioners are amenable to the jurisdiction of the Central Administrative Tribunal by virtue of Section 14 (1) read with Section 3(q) of the Administrative Tribunals Act, 1985 and in view of clear observations of the Supreme Court in the case of ***L. Chandra Kumar v. Union of India and Others*, [(1997) 3 SCC 261]**. It was further held by the Supreme Court 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 the above, this Court has no jurisdiction to entertain the present petition.

At this stage, Mr. C.M. Jha Learned Counsel for Petitioners 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 07, 2020

yg