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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6365/2020**

RAVINDRA NATH GURUNG Petitioner
Through: Mr. Puneet Taneja, Advocate

versus

UNION OF INDIA Respondent
Through: Mr. Tanveer Ahmed Ansari,
Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **14.09.2020**

Hearing has been conducted through Video Conferencing.

CM APPL. 22544/2020

This application has been filed seeking exemption from filing true typed/certified copies of the annexures with specified margins and spacing as well as duly attested affidavits and requisite Court Fee. The application is 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.

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Petitioner herein seeks retiral benefits and bases his claim primarily on the similar benefits given to his two colleagues, namely, Shri Shiv Mangal Rai and Shri Basishtha Narayan Chaudhary, who at some stage were his co-applicants in OA No. 789/2008 before the Central Administrative Tribunal.

Reliance is placed on judgements of Division Bench of this Court in W.P (C) 11919/2018 titled *Shiv Mangal Rai v. Union of India & Ors.* and W.P (C)11936/2016 titled *Basishtha Narayan Chaudhary v. Union of*

India & Ors. It is argued by Mr. Puneet Taneja learned counsel for the Petitioner that the Petitioner, although entitled to similar benefits has been denied the same. He further points out that despite having retired years ago, the retiral benefits have not been released to him, despite his long service of more than 37 years. He further submits that the petitioner is undergoing serious medical ailments and is in need of the retiral benefits.

Petitioner herein as per his own case was a holder of civil post in the Ministry of Defence and is governed by the CCS (Temporary Service) Rules, 1965 and is thus amenable to the jurisdiction of the Central Administrative Tribunal.

Judgement of the Division Bench relied upon by the Petitioner after perusal, clearly reveals that that was a case which had arisen by way of writ petition against orders of the Central Administrative Tribunal. Petitioner himself being aware of the fact that jurisdiction lies before the Central Administrative Tribunal had filed an O.A. 789/2008 which was disposed of with certain directions.

In view of Section 14 of the Administrative Tribunals Act, 1985 and the judgement of Constitution Bench of the Supreme Court in ***L. Chandra Kumar vs. Union of India & Ors. [(1997) 3 SCC 261]***, this Court has no jurisdiction to entertain the present petition.

Faced with this, Mr. Puneet Taneja seeks to withdraw the present petition with liberty to approach the Central Administrative Tribunal.

Petition is disposed of as withdrawn, with liberty as aforesaid.

JYOTI SINGH, J

SEPTEMBER 14, 2020/rd