

\$~32(2021)

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

% Date of decision: 24.11.2021

+ **W.P.(C) 13235/2021 & CM Nos.41778-80/2021**

YOGENDRA MITTAL Petitioner

Through : Mr. Vijay Aggarwal, Adv.

versus

UNION OF INDIA & ANR. Respondents

Through : Mr. Gaurang Kanth, CGSC with Mr.
Shreesh Chadha, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

CM Nos.41779-80/2021

1. Allowed, subject to just exceptions.

W.P.(C) 13235/2021 & CM No.41778/2021

2. *Via* the instant writ petition, challenge is laid to Rule 14(8)(a) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965.

3. According to us, the petitioner should approach the Central Administrative Tribunal [in short "the Tribunal"].

3.1. The Tribunal can examine the validity of the Rule, which is sought to be challenged, in consonance with the judgment of the Constitution Bench of the Supreme Court rendered in *L. Chandra Kumar vs. Union of India*, (1997) 3 SCC 261.

3.2 Mr. Gaurang Kanth, who appears on advance notice on behalf of the respondent/UOI, submits likewise.

4. Given this position, Mr. Vijay Aggarwal, who appears on behalf of the petitioner, seeks leave to withdraw the petition and approach the Tribunal.

5. Thus, the above-captioned writ petition is dismissed as withdrawn with liberty as prayed for.

5.1. The Tribunal, if approached by the petitioner, will adjudicate upon the matter, after giving opportunity to both the sides.

6. Consequently, pending application shall also stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

NOVEMBER 24, 2021

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[Click here to check corrigendum, if any](#)

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