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

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Judgment delivered on: 16.08.2022

+ W.P.(C) 1828/2020 & CM APPL. 6336/2020

THE NATIONAL INSTITUTE OF TECHNOLOGY AND ANR.

..... Petitioners

versus

UNION OF INDIA AND ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Harish Pandey and Mr. Anshuman Tiwari, Advocates.

For the Respondents : Mr. Rishabh Sahu, Central Government Standing Counsel with Mr. Sameer Sharma, Advocates for R-1.
Mr. V. Srivastava and Mr. Anoop Kumar, Advocates for R-2.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner – The National Institute of Technology, Tripura, impugns judgment dated 15.11.2018 passed by the Central Administrative Tribunal in O.A. No. 2331/2013.
2. Petitioner further impugns the order dated 04.02.2019 and 17.07.2019 passed in the review petitions filed by respondent No.2



and petitioner respectively.

3. Learned counsel for the petitioners submits that The National Institute of Technology, Agartala, is not a notified organization covered under the Administrative Tribunals Act, 1985 and, as such the Tribunal did not have jurisdiction to entertain the Original Application.

4. Learned counsel for the respondent submits that no objection was taken by the petitioners in the counter affidavit filed before the Tribunal or even in the petition filed by the said respondent seeking enforcement of the said order before this Court. Learned counsel, however, concedes that the petitioner organization is not a notified organization and admittedly, the Central Administrative Tribunal does not have jurisdiction to entertain petitions pertaining to the said organization.

5. Learned counsel submits that petitioner had twice approached the High Court of Tripura impugning the orders of the Tribunal and had not raised an objection before the Tribunal or in the writ petition being W.P.(C) 6575/2019 filed by the said respondent before this Court.

6. It is an admitted position that petitioner organization is not a notified organization under the Administrative Tribunals Act, 1985 and the Tribunal does not have jurisdiction to entertain petitions *qua* the said organization. Merely because the petitioner had not raised an objection at an appropriate stage or had participated in proceedings before this Court without raising an objection would neither confer



jurisdiction on the Tribunal to pass orders *qua* the said organization nor sanctify or validate any orders passed without jurisdiction by the Tribunal.

7. The mere fact that petitioners have implemented part of the order passed by the Tribunal, would also not legalize any order passed without jurisdiction. The implementation of the order would amount to a voluntary acceptance by the petitioner of a direction which is not binding.

8. Perusal of the orders of the Tripura High Court show that when petitioner had filed a petition before the High Court of Tripura being W.P.(C)(CAT) No. 02 of 2019, said petition was permitted to be withdrawn on 01.04.2019 with liberty to the petitioner to file review petition before the Tribunal. Thereafter, when petitioner had filed the second petition before the Tripura High Court being W.P.(C)(CAT) No. 05 of 2019, said petition was also dismissed as withdrawn with the observation that the remedy of the petitioner would be before this Court and not before the High Court of Tripura. Consequently, the subject petition has been filed.

9. It is also conceded by learned counsel for the respondents that the Tribunal did not have jurisdiction to entertain the petition *qua* the petitioner organization.

10. In view of the above, the impugned orders passed by the Tribunal i.e., orders dated 15.11.2018, 04.02.2019 and 17.07.2019 are orders passed without jurisdiction and are accordingly set aside.

11. Petition is allowed in the above terms.



12. At this stage, learned counsel for respondent No.2 submits that respondent no.2 intends to give a representation to the petitioners seeking the relief sought for by him in the Original Application.

13. It is clarified that in case any representation is filed by respondent No.2, petitioners would be at liberty to consider the same in accordance with law. However, this direction will not confer any right on the said respondents to assail the order passed by the petitioners before this Court and respondents, if aggrieved, would be liable to impugn the same before the appropriate Court having territorial jurisdiction.

14. Petition along with pending application is disposed of.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

AUGUST 16, 2022
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