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

% *Date of Decision: 27th March, 2023*

+ **W.P.(C) 3865/2023**

**P AND T GROUP A ELECTRICAL ENGINEERS
ASSOCIATION THROUGH THE PRESIDENT**

..... Petitioner

Through: Mr. Anukul Raj, Mr. Anubhav
Deep Singh, Mr. Tushar Bhalla and
Ms. Nikita Raj, Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Ajay Digpaul, Central
Government Standing Counsel with
Mr. Kamal R. Digpaul, Ms. Swati Kwatra,
Advocates for Union of India along with
Mr. Amar Relan, Director and Mr. Swaraj
Singh in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

C.M. APPL. 15032/2023 & 15033/2023 (exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 3865/2023 & C.M. APPL. 15034/2023 (for maintainability)

3. Present writ petition has been preferred by Petitioner seeking the following reliefs:-

“A. Allow this Writ Petition under article 226 of the Constitution of India praying issuance of writ of mandamus or any other writ of similar nature, directing the respondents to create parity with other similarly placed officers, in view of judgment dated 17.04.2012 of this hon'ble court in writ petition (c) no. 22515-22518 of 2005 and subsequent orders therein; and/or

B. Allow this Writ Petition under Article 226 of Constitution of India praying for issuance of Writ of Mandamus or any other Writ of

similar nature while directing the respondents to consider the members of petitioner association for regular promotions and their upgradation to higher grades and redeployment in parity with other similarly placed Group A services;”

4. Learned counsel appearing on behalf of Petitioner submits that no doubt, the Central Administrative Tribunal is the Court of first instance for entertaining the issues arising in the present writ petition as they are service disputes against the Respondents who are amenable to the jurisdiction of the Tribunal, however, the writ petition has been filed since the grievances ventilated in this petition are squarely covered by a judgment of the Division Bench of this Court in ***W.P.(C) 22515-22518/2005, Indian Telecom Service Association & Others v. Union of India & Others, decided on 17.04.2012.***

5. Having heard the counsel for the Petitioner, this Court is of the view that the writ petition is not maintainable before this Court and cannot be entertained. The issues emanating in the writ petition are covered under ‘service matters’ as defined in Section 3(q) of the Administrative Tribunals Act, 1985 and the Respondents i.e. Department of Telecommunications, Department of Personnel & Training and Cabinet Secretariat are amenable to the jurisdiction of the Tribunal under Section 14(1) of the said Act. The Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261***, has clearly held that Central Administrative Tribunals will be the Court of first instance in service matter disputes.

6. Insofar as the reliance of the Petitioner on the judgment of the Division Bench of this Court in ***Indian Telecom Service Association (supra)*** is concerned, a mere reading of the judgment shows that the Division Bench decided a batch of writ petitions challenging orders passed by the Central Administrative Tribunal.

7. In view of the aforesaid, the writ petition is not maintainable and is accordingly dismissed, granting liberty to the Petitioner to take recourse to appropriate remedies available in law in an appropriate Forum.
8. Pending application also stands disposed of.

MARCH 27, 2023/kks/shivam

JYOTI SINGH, J

