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

+ W.P.(C) 633/2023 & CM APPL. Nos. 18965/2023, 31107/2023, 34621/2023, 34628/2023, 35623/2023, 39805/2023, 39806/2023, 43274/2023, 43275/2023, 43176/2024, 43177/2024

DELHI WAQF BOARD EMPLOYEES ASSOCIATION
& ANR.

.....Petitioners

Through: Mr. Abhik Chimni, Ms. Nabira Farman, Ms. Maarooof, Ms. Pranjal Abrol and Mr. Anant Khajuria, Advocates.

Versus

CHIEF EXECUTIVE OFFICER DELHI WAQF
BOARD & ORS.

.....Respondents

Through: Ms. Rashmi Chopra, Mr. Firoz Iqbal Khan, Mr. Amaan Afsar, Ms. Fiza Chopra and Mr. Puneet Rathi, Advocates.

Mr. Naman Jain, Advocate for applicant in CM. APPL. No. 43176/2024

Mr. Mehmood Pracha and Mr. Sarawak, Advocates for Intervenor.

Mr. Syed Hasan Ishafani, Advocate for applicant in CM. APPL. No. 34621/2023.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
31.07.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“a. Issue a Writ of Mandamus or any other suitable Writ, Order or Direction in that nature thereby directing the respondents to release the outstanding salaries of all the employees of the Delhi Waqf Board on an exigent basis; and

b. Issue a Writ of Mandamus or any other suitable Writ, Order or Direction in that nature thereby directing the respondents to forthwith convene the Board's Meeting to resolve the unprecedented crisis prevailing in the office of the Delhi Waqf Board; and



c. Issue a Writ of Mandamus or any other suitable Writ, Order or Direction in that nature thereby directing the respondents to work in a cohesive manner to ensure that the salaries of the employees of the Delhi Waqf Board are paid on time, and no infraction is caused to their Fundamental Rights as Guaranteed under Article 21 of the Constitution viz. ‘Right to Livelihood’ and ‘Right to Live with Human Dignity’ which are the sacrosanct facets of ‘Right to Life’; and.”

2. At the outset, Ms. Rashmi Chopra, learned counsel appearing on behalf of Delhi Waqf Board takes a preliminary objection to the maintainability of this petition on the ground that the Delhi Waqf Board is notified under Section 14 of the Administrative Tribunals Act, 1985 and therefore, Central Administrative Tribunal will have the jurisdiction to adjudicate upon the issues arising herein, as a Court of first instance, in view of the judgment of the Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261.***

3. Court finds merit in the preliminary objection. Perusal of the Notification on the website of the Central Administrative Tribunal reflects that Delhi Waqf Board is notified under Section 14 of the aforesaid Act and Petitioners will have to take their remedies before the Tribunal in the first instance. Accordingly, this writ petition is dismissed as not maintainable with liberty to the Petitioners to take recourse to remedies before the appropriate forum, in accordance with law. Pending applications also stand disposed of.

JYOTI SINGH, J

JULY 31, 2024/jg/shivam