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

+ W.P.(C) 12021/2022 & CM APPL. 54990/2022

ATUL KUMAR SRIVASTAVA

.....Petitioner

Through: Mr. Shiv Kumar Tripathi, Mr. Sanjay Kumar and Mr. S.B. Shukla, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vikrant N Goyal, Mr. Satpal Gupta, Mr. Jitendra Tripathi and Mr. Rajat Srivastava, Advocates for R1 and R2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.08.2024

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1. This petition has been preferred on behalf of the Petitioner seeking the following reliefs:

“(a) That this Hon'ble Court may be pleased to pass the following Orders/Directions/Writs in the nature of mandamus and certiorari quashing the illegal appointment of Mr. Rohit Chauhan to the said post of Scientist 'C' and to direct the appointment of the petitioner on absorption basis to the above said post Scientist "C".

(b) and to pass further order. Writs/Directions as deems fit necessary in the facts and circumstances of the case.”

2. From a reading of the writ petition it is apparent that Petitioner lays a challenge to the appointment of one Rohit Chauhan to the post of Scientist-C and also seeks a direction for his own appointment to the said post on absorption basis. The reliefs claimed are in the nature of service matters and the Respondents against whom the reliefs are claimed are Union of India through Secretary, Ministry of Electronics and Information Technology and Department of Personnel & Training (DoPT), Ministry of Personnel, Public Grievances and Pensions, Government of India and



therefore the remedy of the Petitioner lies before the Central Administrative Tribunal, as Court of first instance, by virtue of Section 14 of The Administrative Tribunals Act, 1985 and judgment of the Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261.***

3. Ordinarily, Court would have permitted the Petitioner to withdraw this petition to take recourse to appropriate remedy, however, considering that the writ petition was filed in the year 2022, this petition is disposed of transferring this petition before the Central Administrative Tribunal. Petition shall be listed before the learned Chairman on 23.09.2024 for appropriate orders and further proceedings.

4. Registry is directed to transmit the entire record of the writ petition to the Tribunal before the next date.

5. Petition stands disposed of in the aforesaid terms along with the pending application, making it clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

AUGUST 6, 2024/jg/DU