



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

% Date of decision: February 12, 2024

+ W.P.(C) 1973/2024 & CM APPL. 8263/2024

(45) EX PO AF NEERAJ KUMAR Petitioner

Through: Mr. Devendra Kumar and Mr. Raj
Kumar, Advs.

versus

UNION OF INDIA AND ORS Respondents

Through: Ms. Abha Malhotra, Sr. CGC with
Ms. Amrita Soni, Adv. with Mr.
Abhishek Khanna, Govt. Pleader with
Mr. Vikrant Sharma from Department
for R2, R3 and R5..

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 8263/2024

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1973/2024

1. This petition has been filed by the petitioner with the following prayers:

“In view of the facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:



(a) Issue a Writ of Mandamus directing the Respondent No. 2 to grant employment to the petitioner for the post of fitter instructor (practical) under Govt. of Haryana, he is selected for.

(b) Issue a Writ of Mandamus or any direction to the Respondent No. 5 to issue a letter as needed by the Employer (Respondent No. 2) that **"the petitioner is eligible for the post of fitter"** in line with the letter dated 30.01.2023 and 29.03.2023 issued by Respondents No. 3 & 4 respectively.

(c) Pass any other order/s or directions as this Hon'ble Court may deem fit and proper in facts and circumstance of case and in the interest of justice.

2. The petitioner had initially approached the Armed Forces Tribunal, Principal Bench, New Delhi, by filing an Original Application being OA No. 4063/2023, which has closed the OA by stating in paragraph 5 and 6 as under:

"5. In fact the relief now to be granted to the applicant is a directions to the Skill Development and Industrial Training Department to consider the trade of the applicant as equivalent for which he is applying in the Skill Development and Industrial Training Department and the direction in this regard cannot be issued by us to the Department of Skill Development and Industrial Training in exercise of our jurisdiction under Section 14 of the Armed Forces Tribunal, this can only be done by a declaratory decree or a writ of mandamus by the High Court.

6. Accordingly, granting the aforesaid liberty to the applicant, we dispose of the matter."

3. There is no dispute that the prayer made in the petition is for issuance of writ of mandamus against the respondent No.2, Skill Development and Industrial Training Department, Panchkula, Haryana, under the Government



of Haryana, Panchkula, Haryana.

4. In so far as respondent No.5 is concerned, petitioner is seeking a direction against the Naval Authority to issue a certificate that petitioner is eligible for post of *Fitter*.

5. Our attention has been drawn to page 158 of the paperbook, which is a communication issued by the Integrated Headquarters, MoD (Navy), New Delhi, wherein the respondent No.5 has stated the petitioner is eligible for the post of ITI (*Fitter*). Similar is the communication dated January 30, 2023, by the Director General of Resettlement, West Block-IV.

6. The Naval Authority having given the certificate, it is for the petitioner to make a request for grant of employment in the manner he has done in prayer (a) of the writ petition to the respondent No.2 and it is for the said respondent No.2 to consider and decide the same.

7. So it follows, the grievance of the petitioner primarily lies against respondent No.2, i.e., Skill Development and Industrial Training Department, Govt. of Haryana.

8. This petition is closed as dismissed, granting liberty to the petitioner to approach the competent Court of jurisdiction for the relief at serial no.(a) of the prayer clause against the respondent no.2. No cost.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 12, 2024/jg