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

+ **W.P.(C) 2821/2024 & CM APPL. 67833/2024**

BUSHRA AND ORS.

.....Petitioners

Through: **Ms. Shaziya, Advocate.**

versus

ADDITIONAL DIRECTOR, CGHS AND ORS.Respondents

Through: **Ms. Sarika Singh SPC with Ms. Seema Singh Government Pleader for Respondents No. 1 to 4.**

Mrs. Avnish Ahlawat, Standing Counsel with Mr. N.K Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Ms. Laavanya Kaushik and Mr. Amitoj Chadha, Advocates for R-5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 21.11.2024

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 thereby directing the respondent no. 1 and 2 to release the pension, pensionary benefits of the Late Dr. Sayed Wadud-Ul-Hassan, to his family i.e., petitioners, which is unpaid since May 2015,

b) Issue a further Writ of Mandamus or any other suitable Writ, Order or Direction thereby directing the respondents to regularly release the family Pension to the petitioners in future also.

c) Issue further writ of Mandamus thereby directing the respondents to release any and all dues i.e., dues towards, G.P.F/Gratuity/leave encashment/ salary dues/ pension dues to the petitioners.”

2. It is clear from the writ petition and the prayer clause that the reliefs claimed are in the nature of service matters and are sought against Central



Government Health Scheme Department ('CGHS') and the Ministry of Health and Family Welfare which are notified under Section 14 of the Administrative Tribunals Act, 1985 and therefore 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***, the Administrative Tribunal is the only Court of first instance for adjudication of the issues raised by the Petitioners.

3. Accordingly, this writ petition is dismissed, with liberty to the Petitioners to take recourse to appropriate remedies before the appropriate forum, in accordance with law. It will be open to the Petitioners to raise all pleas, legal and factual and all other contentions raised in the present writ petition in the appropriate forum.

4. Pending application also stands disposed of.

5. Date of 07.04.2025 stands cancelled.

JYOTI SINGH, J

NOVEMBER 21, 2024/shivam