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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2833/2024, CM APPL. 11658/2024, CM APPL. 11659/2024
& CM APPL. 11660/2024

DR SONALI BADHE

..... Petitioner

Through: Mr. Kapil Sibal, Mr. Puneet Jain and
Ms. Lisha Bhati, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Zoheb Hossain, Special Counsel
for ED with Mr. Vivek Gurnani,
Advocates

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
01.03.2024

(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition has been under Article 226 of the Constitution of India, 1950, *inter alia*, seeking the following reliefs :-

“A. Issue an appropriate writ, order or direction in the nature of certiorari thereby quashing the Office Memorandum bearing A-35011/5/2021- Ad.ED dated 16.6.2023 inviting applications for filling up the solitary vacancy on the post of Additional Director of Enforcement (Prosecution) on deputation basis.

B. Issue an appropriate writ, order or direction in the nature of mandamus thereby directing the respondents to fill the post of Additional Director of Enforcement (Prosecution) by promotion in accordance with Ministry



of Finance, Department of Revenue, Directorate of Enforcement, Additional Director (Prosecution), Group 'A' post, Recruitment Rules, 2011.

C. Issue an appropriate writ, order or direction in the nature of Mandamus thereby directing the respondents to decide the Petitioner's representations dated 26.9.2023 and 19.10.2023

D. Issue an appropriate writ, order or direction in the nature of Prohibition/Quo Warranto thereby quashing the Order (Admn.) No. 230/2022 dated 3.11.2022"

2. Mr. Kapil Sibal, learned Senior Counsel appearing for the petitioner submits that the Court of first instance would be the Tribunal and they may be permitted to approach the Tribunal at the first instance keeping in view Section 14 of the Administrative Tribunals Act, 1985 read with the judgment of the Constitution Bench of the Supreme Court in ***L. Chandrakumar vs. Union of India & Ors.*** reported in **(1994) 5 SCC 539**.

3. In view of the above, the present petition is transmitted to the Central Administrative Tribunal, Principal Bench, New Delhi, forthwith with a request to the learned Tribunal to take up the matter at the earliest in all earnest and endeavour to dispose of the same accordingly.

4. The petition along with pending applications is disposed of in the above terms.

5. *Dasti.*

TUSHAR RAO GEDELA, J

MARCH 1, 2024/nd