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

+ **W.P.(C) 3314/2023, CM APPL. 13017/2023**

MS. ANJANA SHARMA & ANR. Petitioner

Through: Mr. Naresh K. Daksh, Advocate.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

..... Respondents

Through: Mr. V.S.R. Krishna and Mr. V. Shashank Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

26.04.2024

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1. The Petitioners have approached this Court with the following prayers:

“(a) to pass an appropriate order in the nature of Writ of Mandamus or such other appropriate Writ, Order or direction against the Respondent thereby holding the impugned Memorandums/ communications dated 1.2.2023 and 3.3.2023 issued by the Respondents as bad in law, illegal, arbitrary, unjustified, discriminatory and unconstitutional;

(b) to issue appropriate Writ or Order or Directions thereby directing the Respondents to immediately release the statutory benefits and entitlements viz. Death Gratuity, Leave Encashment, NPS amount, Family Pension and other entitlements and benefits as applicable arising due to death of husband of Petitioner No. 1 and father of Petitioner No. 2 with interest @ 12% per annum from 8.8.2032 till the date of actual payment;



(c) to award the costs of the present Petition in favour of the Petitioners and against the Respondent; and/or

(d) to pass any further or other order(s) or directions(s) in favour of the Petitioners and against the Respondent as the Hon'ble Court may deem just, fit and proper in the circumstances of the present case."

2. A preliminary objection has been raised by the learned Counsel appearing for the Respondent/AIIMS that the present issue relates to service dispute and therefore, the Petitioners ought to have approached the Central Administrative Tribunal (CAT).
3. In the present case pleadings are complete inasmuch as, counter affidavit and rejoinder have already been filed. Therefore, instead of directing the Petitioners to withdraw the present writ petition and file a fresh Original Application (OA) before the Central Administrative Tribunal (CAT), it is expedient to transfer the entire writ petition to the Central Administrative Tribunal (CAT) for further proceedings.
4. The Registrar General of this Court is directed to transfer the entire writ petition along with the entire records to the Central Administrative Tribunal (CAT) for further proceedings in the matter.
5. The Parties are directed to appear before the Central Administrative Tribunal (CAT) on 05.07.2024.
6. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

APRIL 26, 2024

S. Zakir