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

+ W.P.(C) 2921/2024 and CM APPL. 12063/2024, 22481/2024 and 41176/2024

SHRI KARAN CHHABRA & ORS.Petitioners
Through: Mr. Sujeet Kumar and Mr. Rajesh Kumar Chaurasia, Advocates.

Versus

UNION OF INDIA & ANR.Respondents
Through: Ms. Reema Khurana, Sr. Panel Counsel with Mr. Vikash Kumar, Advocate with Mr. Rahul Sharma Sharma, Govt. Pleader for R1. Mr. Dhruv Sheroran, Mr. Archit Upadhyay and Mr. Ayush Kumar, Advocates for R2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
04.11.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India for quashing the decision dated 17.01.2024 and order dated 06.02.2024, disengaging them from contractual appointments w.e.f. 29.02.2024.
2. From a plain reading of the writ petition it is amply clear that the reliefs sought are in the nature of service matters as defined under Section 3(q) of the Administrative Tribunals Act, 1985 ('1985 Act') and Respondent No.1, i.e., Ministry of Earth Sciences and Respondent No.2/Indian Council of Agricultural Research fall within the jurisdiction of the Central Administrative Tribunal. 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***, Administrative Tribunal is the only Court of first instance to adjudicate the issues raised by the Petitioners and the writ petition deserves to be dismissed.

3. However, learned counsel for the Petitioners prays that the writ petition be transferred for further adjudication before the Central Administrative Tribunal instead of the Petitioners withdrawing the same and approaching the Tribunal afresh since pleadings are complete and interim order is operating in favour of the Petitioners whereby Respondents have been restrained from terminating the services of the Petitioners.

4. Ordinarily, Court would have dismissed this writ petition with liberty to the Petitioners to take recourse to legal remedies before the appropriate forum. However, considering that interim order is operating in favour of the Petitioners since 28.02.2024, whereby Respondents have been restrained from terminating their services, in peculiar facts of this case, this writ petition is transferred to the Central Administrative Tribunal, where it shall be listed before the learned Registrar on 09.12.2024.

5. The interim order shall continue to operate till the matter is taken up for consideration by the learned Tribunal and needless to state, it shall be open to the learned Tribunal to continue, vacate, vary or modify the interim order dated 28.02.2024 as deemed fit.

6. Pending applications also stand disposed of.

JYOTI SINGH, J

NOVEMBER 4, 2024

B.S. Rohella/jg