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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3632/2023 and CM APPL. 39544/2024

MR SHOBHIT GAUR AND ORS

.....Petitioners

Through: Mr. Arun Bhardwaj, Senior Advocate
with Mr. Manish Biala and Mr. Siddharth Dias,
Advocates

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra and Mr.
Alexander Mathai Paikaday, Advocates for UOI.
Mr. Vikas Chopra and Mr. Neeraj Kumar,
Advocates for R-3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.07.2024

1. This writ petition has been preferred on behalf of the Petitioners under Articles 226 and 227 of the Constitution of India seeking the following reliefs:-

“a. Issue an appropriate writ, order or direction thereby quashing the impugned advertisement dated 8th January 2023 and the Project Management Units mentioned therein: and/or

b. Issue an appropriate writ, order or direction for continuation/renewal of the petitioner's contract of engagement on the terms mentioned therein until and unless candidates are regularly appointed for the same post, by following the regular procedure prescribed; and

c. issue a writ in the nature of prohibition and/or any other appropriate writ, order and direction, calling upon the respondents to seize and desist from discontinuing the services of the petitioners with effect from the date as mentioned in their letter of engagement i.e., 31st March 2023; and



d. Allow the writ petition and pass any such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice and in favour of the petitioner."

2. Mr. Arun Bhardwaj, learned Senior Counsel appearing on behalf of the Petitioners fairly and candidly submits that the jurisdiction to adjudicate the issues raised in the present petition, which are in the nature of service matters, lies with the Central Administrative Tribunal (Tribunal) as the Respondents are amenable to the Tribunal's jurisdiction under Section 14(1) of the Administrative Tribunals Act, 1985. He, however, submits that since this petition has been pending in this Court since March, 2023, therefore, instead of relegating the Petitioners to filing fresh applications before the Tribunal, this petition be transferred for further consideration and the interim order be continued.

3. Mr. Harish Vaidyanathan Shankar, learned Central Government Standing Counsel appearing on behalf of the Union of India has no objection to this course of action of transferring the matter. He, however, objects to the continuation of the interim order.

4. As rightly and fairly conceded on behalf of the Petitioners, the jurisdiction to adjudicate the issues arising in the present petition lies with the Tribunal as a Court of first instance, 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***. Ordinarily, this Court would have permitted the Petitioners to withdraw the petition and file a fresh application before the Tribunal, however, considering that the petition has been pending since 22.03.2023 and an interim order operates in favour of the Petitioners since 24.03.2023, this petition is transferred to the Tribunal, Principal Bench, Delhi for further proceedings and final adjudication. Registry is



directed to transmit the complete records to the Tribunal within one week from today.

5. Petition shall be listed before the learned Chairman of the Central Administrative Tribunal on 07.08.2024. Interim order dated 24.03.2023 shall continue till the next date of hearing whereafter it shall be open to the learned Tribunal to continue, vacate, vary or modify the order, in accordance with law.

JYOTI SINGH, J

JULY 23, 2024/kks/shivam