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

+ W.P.(C) 3021/2019

RAJ KUMAR JAIN

.....Petitioner

Through: Mr. Devi Krishan Sharma, Advocate.

versus

GENERAL MANAGER DELHI MILK SCHEMERespondent

Through: Mr. Rajesh Kumar, SPC with
Mr. Rahul Kumar Sharma and Mr. Yash Narain,
Advocates and Mr. Ajay Kumar, JAO, for
Respondent.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.09.2024

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1. This writ petition has been filed by the Petitioner, who was working as a Store Clerk with the Delhi Milk Scheme, seeking compulsory retirement pension/gratuity under Rule 40 of CCS (Pension) Rules, 1972 w.e.f. 01.05.1985 with arrears and interest.
2. Delhi Milk Scheme is an organization notified under Section 14 of the Administrative Tribunals Act, 1985 and the relief claimed falls under 'Service Matters' as defined under Section 3(q) of the said Act. 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 remedy of the Petitioner lies before the Administrative Tribunal as the only Court of first instance. Ordinarily, this Court would have permitted the Petitioner to withdraw the present petition and file a fresh Original Application before the Tribunal, however, considering that the Petitioner



had approached this Court in the year 2019, this petition is transferred to the Central Administrative Tribunal and will be listed before the learned Registrar on 07.10.2024 for further proceedings.

3. Registry is directed to transmit the entire record of the writ petition to the Tribunal before the next date of hearing.

4. Considering that the Petitioner is a Senior Citizen and had approached this Court in 2019, the learned Tribunal may consider disposing of the petition as expeditiously as possible. The objection raised by the Respondents to the maintainability of this petition on ground of delay is left open to be considered by the Tribunal.

5. It is made clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

SEPTEMBER 12, 2024

B.S. Rohella/kks