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

+ **W.P.(C) 3194/2019 & CM APPL. 29538/2020**

SATYENDER KAUSHIK

.....Petitioner

Through: Mr. Amit Sharma and Mr. B.C.
Nagar, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Ghanshyam Mishra, Mr. S.K.
Singhal, Mr. Kamal Kumar, Ms. Tamanna and Ms.
Anita Mavi, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

13.08.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India, laying a challenge to order dated 14.06.2018 passed by the Chief Commissioner for Persons with Disabilities, to the extent the order holds that there is no violation of the provisions of the Rights of Person with Disabilities Act, 2016. A writ of *mandamus* is sought for a direction to Respondents No.2 to 4 to prepare a roster for promotion of the disabled employees as directed in the order dated 14.06.2018 and consider the case of promotion of the Petitioner to the post of Master of Craftsman under the disability quota w.e.f. 02.09.2017.

2. From the relief claimed, it is evident that Petitioner seeks promotion to the post of Master of Craftsman against the Ministry of Railways. The reliefs claimed being in the nature of service matters and against the



Ministry of Railways, the remedy of the Petitioner lies before the Central Administrative Tribunal as a Court of first instance, in view of Section 14 of the Administrative Tribunals Act, 1985 and the judgment of the Constitution Bench of the Supreme Court in *L. Chandra Kumar v. Union of India and Others*, (1997) 3 SCC 261.

3. Ordinarily, this Court would have permitted the Petitioner to withdraw the petition to take recourse to the remedy available before the appropriate forum, however, considering that the writ petition was filed in the year 2019, this petition is transferred to the Central Administrative Tribunal where it shall be listed before the learned Chairman on 30.09.2024 for appropriate orders. The observations made in the order dated 14.06.2018 will not come in the way of the Petitioner from seeking the substantive relief.

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

JYOTI SINGH, J

AUGUST 13, 2024/DU