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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6941/2024

RANANJAY PRATAP SINGH

.....Petitioner

Through: Mr. Vinay Kumar Garg, Senior Advocate with Mr. Gagan Mathur, Mr. K.S. Rekhi and Mr. Shitanshu, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Amit Tiwari, CGSC with Mr. Shourya Rai and Mr. Rahul Bhaskar, Advocates for Respondent/UOI.

Mr. Aditya Singla, Mr. Ritwik Saha, Mr. Sahil Parashar, Ms. Medha Navami and Mr. Umang Misra, Advocates for Respondents No.2 to 8.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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11.09.2024

CM APPL. 28878-28879/2024

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:

“I Issue Writ, Order or Direction/s in the nature of mandamus or like nature thereby directing the respondent No. 1 and 2 to order an independent & impartial Inquiry against Respondent No. 9 to 17 being the officers of the Respondents having dealt/dealing with this matter (w.e.f. receipt of the alleged CPGRAMS) illegally, unlawfully and maliciously with an intention to implicate and frame the Petitioner herein in false cases from an outside specialized Agency like Lokpal/CBI/CVC under the supervision of this Hon'ble Court.

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II. *Issue Writ, Order or Direction/s in the nature of mandamus or like nature thereby ordering initiation of Departmental Inquiry against Respondent No. 09, 10, 11, 12, 13, 14, 15, 16 & 17 for abusing their official position to settle their personal scores at the cost of Government Revenue by conducting investigation in an unethical, unprofessional, dishonest, partial, discriminatory', biased, arbitrary, unlawful, malicious, vindictive and vexatious manner.*

III. *Issue Writ, Order or Direction/s in the nature of Certiorari or like nature thereby quashing the investigation and / or inquiry proceedings being contemplated by the Respondent No. 2 to 8 and issue further order/direction to them for closing the same with immediate effect.*

IV. *Issue Writ, Order or Direction/s in the nature of mandamus or like nature thereby declaring that the inclusion of name of the Petitioner by the Respondent No. 5 in the Agreed List as illegal & non est and/or not in operation qua the Petitioner, and void ab initio being ultra vires.*

V. *Issue Writ, Order or Direction/s against the respondents thereby granting compensation to the Petitioner for continued mental & physical harassment at the hands of the Respondents."*

4. Having perused the writ petition as well as the prayer clause and looking to the Respondents impleaded in the present petition, in my view, this matter requires to be adjudicated by the Central Administrative Tribunal (Tribunal) as the only Court of first instance in view of the observations of the Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261*** and Section 14 of the Administrative Tribunals Act, 1985.

5. Mr. Vinay Kumar Garg, learned Senior Counsel appearing on behalf of the Petitioner expresses an apprehension that in view of prayers I and II, the Tribunal may not entertain this case.

6. In my view, the apprehension is misfounded for the reason that all the prayers are interconnected to the substantive relief claimed by the Petitioner assailing the placement of his name in the Agreed List on account of an allegation that his conduct was violative of CCS (Conduct) Rules, 1964 and



therefore, in my view, the Tribunal has the power to entertain prayers I and II as well. In fact, I may pen down that in *L. Chandra Kumar (supra)*, the Supreme Court has observed that the Tribunal has powers even to test the vires of subordinate legislations, save and except, the vires of the parent statute under which it is created.

7. In view of the above, the present petition is disposed of along with pending applications, granting liberty to the Petitioner to take recourse to appropriate remedies, in accordance with law.

8. An objection to the territorial jurisdiction is raised by the Respondents. Since this writ petition is not being entertained for the reasons aforementioned, it is left open to the Respondents to take this objection before the appropriate forum.

JYOTI SINGH, J

SEPTEMBER 11, 2024

B.S. Rohella

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