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

+ **W.P.(C) 11438/2022 and CM APPL. 33734/2022 and 5251/2023**

PUSHPENDRA

.....Petitioner

Through: Mr. Pushpinder Singh, Ms. Anurag Rana, Mr. Sukhmandeep Singh and Mr. Prabjit Singh Viridi, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ajay Jain, SPC with Mr. Krishna Sharma, Ms. Bijay Lakshmi, Mr. M.N. Mishra, Mr. Vikrant Singh and Ms. Shreya Jain, 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 Article 226 of the Constitution of India seeking the following reliefs:

"i) Issue writ, order or direction in the nature of mandamus to direct the respondent to allow the petitioner to join the service in view of offer letter dated 25.03.2022;

ii) Issue writ, order or direction in the nature of mandamus or prohibition or any other writ thereby directing / commanding the Respondents not to pass any coercive action without giving the opportunity of hearing to the petitioner;

iii) Award cost of litigation and also impose an exemplary cost in the favor of the Petitioner and against the Respondents for dragging the Petitioner in litigation for his legitimate claim."

2. During the course of hearing, it has transpired that National Water Development Agency under the Union of India through the Ministry of Jal Shakti is notified under Section 14 of the Administrative Tribunals Act,



1985 and since the present writ petition raises issues which are ‘Service Matters’ as defined under Section 3(q) of the said Act, the Central Administrative Tribunal shall be the Court of first instance to adjudicate the disputes 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.

3. Ordinarily, this Court would have permitted the Petitioner to withdraw this petition to approach the Tribunal, however, considering that the writ petition was filed in the year 2022 and there is an interim order operating in favour of the Petitioner, this petition is transferred to the Central Administrative Tribunal. The matter will be placed before the learned Chairman on 15.09.2024 for appropriate orders and further proceedings.

4. Till the matter is taken up by the Tribunal, interim order dated 02.08.2022 shall continue to operate and it will be open to the Tribunal to continue, vary, vacate or modify the order as deemed fit.

5. 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
B.S. Rohella/kks