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

+ **W.P.(C) 10926/2023 & CM APPL. 42329/2023**

ANTI MALARIA KARAMCHARI SANGH (REG.)

AND ORS

.....Petitioners

Through: Mr. Anand Nandan and Mr. Kuldeep Mishra, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Manu Chaturvedi, Standing Counsel with Ms Devika Singh Roy Chawdhary, Advocate for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.11.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs against Municipal Corporation of Delhi:-

"i. QUASH the office order dated 16-06-2023 issued by the respondent by which order it has been made mandatory for the domestic breeding checkers to mark their attendance through Smart Mobile Application-311 and post the pictures of mosquito breeding sites through Smart Mobile Application-311 and

ii. DIRECT the respondent to provide for a smart mobile, phone to each of the domestic breeding checkers and to educate them on the use of Smart Mobile App-311 before making it mandatory to mark the attendance on the Smart Mobile Application-311 and upload the photos on The Smart Mobile Application-311, and,

iii. DIRECT the respondent to allow the petitioners to mark their attendance through the normal process and not to stop their salary if they fail to use the Smart Mobile Application-311."

W.P.(C) 10926/2023

page 1 of 2



2. Looking at the nature of relief sought and considering that the contesting party is Municipal Corporation of Delhi, the Central Administrative Tribunal is the only Court of first instance by virtue of Section 14(1) 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. Accordingly, this writ petition is dismissed with liberty to the Petitioners to take recourse to appropriate legal remedy before the appropriate Forum. Pending application also stands disposed of.

JYOTI SINGH, J

NOVEMBER 12, 2024/shivam

W.P.(C) 10926/2023

page 2 of 2