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

+ **W.P.(C) 11891/2023 and CM APPL. 44043/2024**

CHERIYAN PODIPAARA CHACKO & ORS.Petitioners

Through: Mr. Deepak Prakash, Ms. Vishnu Priya, Ms. Divyangna Malik and Mr. Vardaan Kapoor, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel, GNCTD with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.08.2024

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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:

“i) Issue a writ in the nature of Mandamus or any other writ/order or Direction, thereby directing the Respondent Nos. 1 and 2 to formulate a Scheme for regularizing and induction of the Petitioners herein as “Regular appointees”, in a time bound manner; and/or,

ii) Issue a writ in the nature of Mandamus or any other writ/order or Direction, thereby directing the Respondent No. 1 and 2 herein to declare the Petitioner employees herein as deemed “Regular Appointees”, and consider the Petitioner employees for confirmation of the various posts as held by them on the basis of their service record with all consequential benefits, thereto, and/or,

iii) Issue a writ in the nature of Mandamus or any other writ/order or Direction, thereby directing the Respondent No. 3 not to issue any Notification/Order inviting candidates for the posts being held by the Petitioners herein; and/or,



iv) Issue a writ in the nature of Mandamus or any other writ/order or Direction, thereby directing the Respondent No. 4 to furnish the complete service records of the Petitioners herein as well as the current vacancies and posts in it's medical Hospital; and/or,

v) Issue a writ in the nature of Mandamus or any other writ/order or Direction, thereby directing the Respondents to disburse the complete salaries and all the service benefits to the Petitioner at par with the Regular employees as per their respective posts thereto; and/or,"

2. It is evident from the reliefs sought by the Petitioners that the reliefs are claimed against Ministry of Health and Family Welfare, Department of Health and Family Welfare, Delhi Subordinate Services Selection Board and Gobind Ballabh Pant Hospital respectively and the disputes relate to 'service matters'. Thus, by virtue of Section 14 of the Administrative Tribunals Act, 1985 and 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 Central Administrative Tribunal will have the jurisdiction to decide the issues as it is the Court of first instance.

3. At this stage, learned counsel for the Petitioner, on instructions, seeks to withdraw the petition with liberty to approach the Central Administrative Tribunal.

4. Writ Petition is accordingly disposed of as withdrawn, with liberty as prayed for, in accordance with law. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 06, 2024/kks