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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12497/2023 & CM APPL. Nos.49320/2023 and
49321/2023

IZHARUL HAQ AND ORSPetitioners
Through: Mr. Tariq Adeeb, Advocate.

versus

GOVERNMENT OF NCT OF DELHI
AND ANRRespondents
Through: Mr. Tushar Sannu and Mr. Sahaj
Karan Singh, Advocates for R1.
Ms. Rashmi Chopra, Mr. Firoz Iqbal Khan,
Mr. Amaan Afsar, Ms. Fiza Chopra and Mr.
Puneet Rathi, Advocates for R2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
31.07.2024

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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:-

“a) Issue a Writ of Mandamus or any other suitable, Writ, Order or Direction, thereby directing the respondent, Delhi Waqf Board to pay the arrears of the petitioners’ salary immediately; and

b) Issue a further Writ of Mandamus or any other suitable, Writ, Order or Direction, thereby directing the respondent no. 1 and 2 to regularly release timely remuneration of the petitioners in future.”

2. At the outset, Ms. Rashmi Chopra, learned counsel appearing on behalf of Delhi Waqf Board takes a preliminary objection to the maintainability of this petition on the ground that the Delhi Waqf Board is notified under Section 14 of the Administrative Tribunals Act, 1985 and therefore, Central Administrative Tribunal will have the jurisdiction to



adjudicate upon the issues arising herein, as a Court of first instance, 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. Court finds merit in the preliminary objection. Perusal of the Notification on the website of the Central Administrative Tribunal reflects that Delhi Waqf Board is notified under Section 14 of the aforesaid Act and Petitioners will have to take their remedies before the Tribunal in the first instance. Accordingly, this writ petition is dismissed as not maintainable with liberty to the Petitioners to take recourse to remedies before the appropriate forum, in accordance with law. Pending applications also stand disposed of.

JYOTI SINGH, J

JULY 31, 2024/jg/shivam