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

+ **W.P.(C) 14619/2022**

LILA SINGH AULAKH

.....Petitioner

Through: Mr. Mohan Bir Singh, Mr. Vedant Singh, Mr. Vishisht Singh and Mr. Navneet Singh, Advocates.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Ms. Manisha Agrawal Narain, CGSC with Mr. Chandandeep Singh and Mr. Sandeep Singh Somaria, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.09.2024

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1. This writ petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) Issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, direction or order and after calling for the records and proceedings and satisfying itself about the illegality thereof to quash and set aside the Impugned Order dated 11.02.2020 (Annexure "P-1" hereto)

(b) Issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, direction or order to the Respondent No. 2 to continue the Petitioner's employment till he attains the age of 70 years; and; to continue to pay to the Petitioner his wages upto such date.

(c) That the respondent be directed to pay to the Petitioner the salary for the unexpired portion of his services i.e., from 12/2/2020 till 30/6/2020 totally computed at Rs 42,57,8611- plus 18% GST.

(d) That pending the hearing and final disposal of the petition, this Hon'ble Court be pleased to stay the effect, operation and implementation of the Impugned Order dated 11.02.2020 and to direct the Respondent No. 2 to continue the employment of the Petitioner till he



attains the age of 70 years or the Respondent No. 2 be directed to pay to the Petitioner his full wages till that date on such terms and conditions as this Hon'ble Court may deem fit and proper.

(e) For interim and ad interim reliefs in terms of prayer clause (c) above;

(f) For costs of the petition ”

2. From the reliefs sought in the petition, it is clear that the reliefs sought are ‘service matter’ disputes as defined under Section 3(q) of the Administrative Tribunals Act, 1985 and therefore, the remedy of the Petitioner lies before the Central Administrative Tribunal (Tribunal) as the only Court of first instance in view of Section 14 of the said Act 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.***

3. In view of the above, learned counsel appearing on behalf of the Petitioner seeks to withdraw the petition with liberty to approach the Tribunal.

4. Petition is disposed of as withdrawn with liberty as prayed for, in accordance with law. Needless to state that this petition was filed *bona fide* by the Petitioner in this Court in 2022 and thus the fact of pendency of this petition may be taken into account by the Tribunal while considering the question of limitation.

JYOTI SINGH, J

SEPTEMBER 23, 2024/shivam