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

+ **W.P.(C) 9867/2024**

DR. UPENDER KISHOREPetitioner

Through: Petitioner in person.

versus

GOVERNMENT OF NCT OF DELHIRespondent

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.07.2024

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1. This writ petition has been filed on behalf of the Petitioner seeking the following reliefs:

"1) Quash the Impugned Order dated 09.05.2024 (Annexure: P-5) as ultra vires and violative of Article 14 of the Constitution of India.

2) Direct the Respondent to forward the Transfer Request / Application dated 17.11.2023 (Annexure: P-1) of the Petitioner to Director General of Health Services, CHS-III, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, New Delhi.

3) Pass any other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and to meet the ends of justice."

2. From a reading of the petition and the prayer clause, it is clearly evident that the challenge in the present petition is laid to the impugned order dated 09.05.2024 and the relief sought is for a direction to the Respondent to forward the transfer request dated 17.11.2023 of the Petitioner to the CHS-III, Ministry of Health and Family Welfare, Government of India.

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3. Clearly, the jurisdiction to entertain the present dispute, being a service matter against the Ministry of Health and Family Welfare, Government of India, lies before the Central Administrative Tribunal in view of the judgment of Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261.***

4. Petition is disposed of as withdrawn with liberty to the Petitioner to take recourse to appropriate remedies in law.

JYOTI SINGH, J

JULY 22, 2024

B.S. Rohella

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