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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9892/2024 and CM APPL. 40623-40625/2024
BASUDEV DATTA AND ORS.Petitioners
Through: Mr. Pranav Sachdeva and Mr. Jatin
Bhardwaj, Advocates.

versus

COUNCIL OF SCIENTIFIC AND
INDUSTRIAL RESEARCHRespondent
Through: Mr. Arun Sanwal, Advocate.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
22.07.2024

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1. Petitioners have filed the present writ petition seeking quashing of Vigilance Investigation Report and other decisions relating to a selection process originating from an Advertisement dated 27.04.2011 in respect of appointment of Scientist Trainee under the QHS Scheme.
2. From a reading of the petition, it is evident that the issues raised herein pertain to service matters and in view of the fact that Council of Scientific and Industrial Research is notified under Section 14 of Administrative Tribunals Act, 1985, Central Administrative Tribunal is the Court of first instance to adjudicate all these issues. This position of law is crystalised and is well-settled by the judgment of Constitution Bench of the Supreme Court in *L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261*.
3. Counsel for the Petitioners seeks to urge that the issues raised in the petition have been adjudicated upon by the Central Administrative Tribunal



and decisions have been passed, which upon challenge are pending in this Court and therefore, the writ petition be entertained. Merely because decisions have been passed by the Tribunal on the same or similar issues and are challenged before this Court and the writ petitions are pending, cannot be a ground to entertain this writ petition directly without the Petitioners approaching the Tribunal. In this context, I may refer to the observations in ***L. Chandra Kumar (supra)*** that while the jurisdiction conferred upon the Supreme Court under Article 32 of the Constitution of India and upon the High Courts under Articles 226/227 of the Constitution of India is a part of inviolable basic structure of the Constitution and cannot be ousted but other Courts and Tribunals may perform a supplemental role in discharging the powers so conferred. Tribunals created under Article 323A and Article 323B are possessed of competence to test the Constitutional validity of statutory provisions and rules and will continue to act like Courts of first instance in respect of the areas of law for which they have been constituted. It will not be open to the litigants to directly approach the High Courts by overlooking the jurisdiction of the Tribunal concerned and the Division Bench of the jurisdictional High Court will scrutinise the decisions of the Tribunals.

4. In view of the aforesaid, present petition is accordingly dismissed with liberty to the Petitioners to approach the Central Administrative Tribunal, in accordance with law. Pending applications also stand disposed of.

JYOTI SINGH, J

JULY 22, 2024

B.S. Rohella/shivam