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

+ **W.P.(C) 15647/2022**

**TOSHIYAS THROUGH SECRETARY AND
ORS**

.....Petitioners

Through: Mr. Vivek Kumar Tandon (Amicus Curiae), Ms. Perna Tandon and Mr. Mayank Tiwari, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondent

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Mr. Mukesh Kumar Tiwari, Ms. Reba Jena Mishra, Mr. Rahul Kumar Sharma and Ms. Poonam Shukla, Advocates for Respondents/UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

09.09.2024

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

“1. Issue of writ, order, or direction in nature of mandamus directing the Respondents to implement and execute the orders of the Court of Court of Chief Commissioner for Persons with Disabilities dated 25.10.2019;

2. Direct the Respondents to institute Petitioner No. 2 on service by granting him joining letter, as the Petitioner No. 2 already completed Document Verification and Medical Examination;

3. Direct the Respondents to institute Petitioner No. 3 - 7 on service by granting them joining letter, after completion Document Verification and Medical Examination as have qualified the cut - offs;

4. Direct the Respondents to release the Backlog Vacancies of persons with disabilities;

W.P.(C) 15647/2022

page 1 of 2



5. *Direct the Respondents to allow Zone Shifting, if they alter the allocation of seats in different Rail Board Zones, after the candidature applications are closed;*”

2. From the reliefs sought, there is no doubt that the nature of reliefs sought is in the realm of service matter disputes and is against the Ministry of Railways and the Railway Board and therefore, the remedy of the Petitioners’ lies before the Central Administrative Tribunal (Tribunal) as the Court of first instance in view 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*.

3. Ordinarily this Court would have directed the Petitioners to withdraw the petition and approach the Tribunal afresh. However, considering that the writ petition was filed in 2022 and seeks urgent reliefs and is on behalf of the persons suffering from disabilities, the writ petition is transferred to the Tribunal, where it shall be listed before the learned Chairman, Central Administrative Tribunal on 30.09.2024. The Registry shall transmit the entire record of the present case to the Tribunal before the next date of hearing.

4. The Court expresses its gratitude to Mr. Vivek Kumar Tandon, Advocate, who has assisted the Court as Amicus Curiae in the matter.

JYOTI SINGH, J

SEPTEMBER 9, 2024

B.S. Rohella

W.P.(C) 15647/2022

page 2 of 2