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

+ **W.P.(C) 15073/2023**

BHIM SINGH

.....Petitioner

Through: Mr. Dinesh Kumar, Advocate

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Dr. Divya Swamy, Standing Counsel,
MCD with Ms. Akriti Singh and Mr. Rishav
Ranjan, Advocates for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.07.2024

CM APPL. 60362/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been filed by the Petitioner seeking the following reliefs:-

*“(a) Set aside impugned order dated **14.9.2023** (**Ann.P.1**) passed by the respondent in OA NO. 710/20.*

*(b) Direct the respondent to issue appointment letter to the petitioner for any post/post of LDC in class III category with retrospective effect i.e. **from 10.4.2006** (**Ann.P.5**) on which date petitioner's case was first recommended for appointment on compassionate grounds which was kept deferring on false reports of no vacancy though sufficient vacancies had existed and is still existing.*

(c) May kindly also be pleased to direct the respondent to compensate the petitioner by releasing his salary from the above mentioned date as non release of such amount boosts the morale of respondent to continue in indulging and in abusing their corrupt duties.

(d) Pass any other order/s as is considered necessary for the ends of justice.”



4. Petitioner has claimed multiple reliefs in the present writ petition as is evident from the prayer clause extracted above. There can be no dispute that all the grievances raised pertain to 'Service Matters' and the reliefs are sought against Municipal Corporation of Delhi, which falls within the jurisdiction of Central Administrative Tribunal (Tribunal) under Section 14 of the Administrative Tribunals Act, 1985. Therefore, 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***, the remedy of the Petitioner lies before the Central Administrative Tribunal, as a Court of first instance.

5. Learned counsel for the Petitioner submits that the Petitioner had earlier approached the Tribunal in O.A. No.224/2016 and by order dated 23.01.2019 Respondents were directed to re-consider his case for compassionate appointment and pass a self-contained and speaking order but Respondents refused to offer appointment to the Petitioner and rejected his claim vide letter dated 18.04.2019 and therefore, no purpose would be achieved in going back to the Tribunal. In my considered view, this argument cannot be accepted. If the order passed by the Respondents, pursuant to the directions of the Tribunal, is illegal according to the Petitioner, the remedy would lie only in assailing the same, if so advised, before the Tribunal and on this ground writ petition cannot be entertained for adjudicating the correctness of the order dated 18.04.2019. Similarly, all other reliefs can only be adjudicated by the Tribunal.

6. Accordingly, this writ petition is dismissed as not maintainable with liberty to the Petitioner to take recourse to appropriate legal remedies before



the appropriate forum, if so advised.

JULY 9, 2024/kks

JYOTI SINGH, J