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

+ W.P.(C) 10716/2024 and CM APPL. 44135/2024, 44136/2024 and 44137/2024

LATA BEER SINGH

.....Petitioner

Through: Mr. Colin Gonsalves, Senior Advocate with Ms. Hetvi Patel and Mr. Paul Kumar Kalai, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Ravi Kant Srivastava, Senior Panel Counsel for Respondents No.1 and 2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.08.2024

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

“a. For an order directing the respondent hospital to treat the petitioner as promoted from nursing officer to SNO with retrospective effect from 2003 and to pay all wages, benefits, concessions and privileges for this entire period with interest as decided upon by this Hon'ble Court.

b. For an order directing Respondents be directed to implement the Post-based reservation roster made by SH.sm Gupta, Ex Faculty Member of ISTM as recommended by NCSC.

c. For an order directing the respondents to pay the petitioner compensation of Rs. 20 lakhs for the continuous mental trauma caused by the respondents for the last 26 years as described in this petition.

d. For an order directing respondent that no DPC to be held for the posts of SNO and ANS till final disposal of this O.A or in the alternative for an order directing that the said posts be filled only with reserved category persons pending hearing and final disposal of this OA.”

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2. A bare perusal of the prayer clause shows that the reliefs sought by the Petitioner are in the nature of service matter disputes, i.e. promotion from Nursing Officer to SNO with retrospective effect with wages and other concessions; implementation of post-based reservation roster; compensation for alleged trauma; and a restraint against holding of DPCs for the posts of SNO and ANS and the reliefs sought are against Ministry of Health and Family Welfare and Lady Hardinge Medical College. In view of Section 14 of the Administrative Tribunals Act, 1985 and judgment of the Constitution Bench of the Supreme Court in *L. Chandra Kumar v. Union of India and Others*, (1997) 3 SCC 261, remedy of the Petitioner lies before the Central Administrative Tribunal as a Court of first instance.

3. Accordingly, this writ petition is dismissed with liberty to the Petitioner to approach the appropriate Forum, in accordance with law. Pending applications also stand disposed of.

JYOTI SINGH, J

AUGUST 5, 2024

B.S. Rohella

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