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

+ **W.P.(C) 10752/2024**

NITIN KUMAR

.....Petitioner

Through: **Mr. Pradeep Kumar Yadav, Advocate**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Manoj Kumar Tyagi, Senior Panel Counsel with Mr. Rishav Dubey, Government Pleader and Mr. Shekhar Tyagi, Advocate for UOI.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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05.08.2024

CM APPL. 44278/2024 (exemption)

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

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

“a. It is therefore, most respectfully prayed that this Hon’ble Court may most graciously be pleased to allow the Writ Petition of the petitioner and writ petition on behalf of the petitioner under Article 226 of Constitution of India to issue direction to the concerned authority regarding decide the representation dated 24.08.2020, of the Petitioner for the appointment on basis of the compassionate appointment and may pass any other such order / orders as this Hon’ble Court may deem fit in the interest of justice.

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4. It is evident from the relief sought by the Petitioner that the relief is claimed against Ministry of Home Affairs and Ministry of Civil Aviation respectively and the disputes relate to ‘service matters’. Thus, by virtue 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***, the Central Administrative Tribunal will have the jurisdiction to decide the issues as a Court of first instance.

5. At this stage, learned counsel for the Petitioner, on instructions, seeks to withdraw the petition with liberty to approach the Central Administrative Tribunal.

6. Writ Petition is accordingly disposed of as withdrawn, with liberty as prayed for, in accordance with law.

JYOTI SINGH, J

AUGUST 05, 2024/kks