



2024:DHC:7757-DB



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

+ **LPA 773/2023, CM APPL. 61658/2023**

VARUN YADAV

.....Appellant

Through: Mr. Manik Ahluwalia, Adv.

versus

**DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT, GOVT. OF NCT OF
DELHI & ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs. for GNCTD

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER (ORAL)

04.10.2024

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C.HARI SHANKAR, J.

1. The impugned order passed by the learned Single Judge relegates the appellant to the learned Central Administrative Tribunal, following the judgment of the seven-Judge Bench of the Supreme Court in *L. Chandra Kumar v UOI*¹.

2. The prayer clause in the writ petition read thus:

¹ (1997) 3 SCC 261



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“1. The petitioner vide the present petition under Article 226 of the Constitution of India, seeks the following reliefs:

- a) Issue a writ of certiorari or any other appropriate writ, order or direction thereby quashing the Impugned Order dated July 21, 2023 issued by Respondent No. 1;
- b) Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing renewal of the contract of the Petitioner and reinstatement of the services of the Petitioner with Respondent No.1;
- c) award the costs of the present petition in favour of the Petitioners and against the Respondents, and
- d) grant such other or further relief(s) in favour of the Petitioners and against the Respondents as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. The order dated 21 July 2023, which was under challenge in the writ petition, read thus:

“ORDER

Whereas, Sh. Varun Yadav was engaged as District Child Protection Officer on contract basis in State Child Protection Society, Department of Women and Child Development in the year of 2017.

Whereas, contract engagement of Mr. Varun Yadav has been extended from time to time and the last extension was valid till 30-June-2023. Whereas, a Committee was constituted by the Department to review the performance of all DCPOs as they have been working with the department for the past many years and were expected to be well versed with their roles and responsibilities for effective implementation of Mission Vatsalaya Scheme and provisions of Juvenile Justice Act to provide service of care and protection to children in Delhi.

Whereas, in order to review performance of all DCPOs, a written test was conducted on 22.06.23 followed by personal interaction of the DCPOs with the said Committee. Whereas, Sh. Varun Yadav did not appear in the test as he was out of station from 20.06.23 to 26.06.23 without sanction of any leave from the Reporting Officer.



Whereas, Sh. Varun Yadav was called for an individual interaction on 30.06.23, where the Committee found him to be casual, unmannerly and rigid in his approach. Hence, based on his appraisal report, Individual interaction and as per the recommendation of the District Officer, the committee did not recommend for further extension of Sh. Varun Yadav.

Whereas, it is also mentioned in the contract of engagement that the Member Secretary, State Child Protection Society, reserves the right to cancel/discontinue the contractual engagement at any time without any prior notice.

Therefore, in view of recommendation of the committee, it has been decided that the contract of Sh. Varun Yadav, District Child Protection Officer, shall not be extended beyond 21.07.2023. Consequently, the aforesaid contract stands completed on 21.07.2023.”

4. The dispute, therefore, pertains to the service of the petitioner with the State Child Protection Society under the Department of Women and Child Development. It is a dispute which squarely falls within the scope of Section 14 of the Administrative Tribunals Act, 1985.

5. That being so, no exception can be taken to the decision of the learned Single Judge to relegate the appellant to the learned Central Administrative Tribunal, given the law enunciated in *L. Chandra Kumar*. We may note that this bench has considered this aspect in detail in its recent decision in *Parikshit Grewal v Union of India & Anr*².

6. The appeal is, therefore, bereft of merit and is accordingly

² Judgment dated 27 September 2024 in LPA 971/2024



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dismissed.

7. Needless to say, the liberty granted by the learned Single Judge to the appellant to approach the Tribunal in accordance with law would continue to remain undisturbed.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 4, 2024/aky

Click here to check corrigendum, if any