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

+ LPA 791/2024 and CM APPL. 46810/2024, CM APPL. 46811/2024

BASUDEV DATTA AND ORS.

.....Appellants

Through: Mr. Pranav Sachdeva and Mr. Jatin
Bhardwaj, Advocates.

versus

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

.....Respondent

Through: Mr. Arun Sanwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

14.08.2024

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1. The present appeal has been filed by the appellants seeking setting aside of impugned order dated 22.07.2024 passed by the learned Single Judge in W.P.(C) 9892/2024 and also to direct the Registry to list the said petition before appropriate Division bench for adjudication on merit.
2. Notice issued.
3. Learned counsel accepts notice on behalf of the respondent.
4. It is not in dispute that the appellants herein did not approach the learned Central Administrative Tribunal ('Tribunal') however directly approached before the learned Single Judge of this Court under Article 226 of the Constitution of India. The learned Single Judge vide order impugned has observed that merely because in respect of similar issues, decisions passed by the learned Tribunal, are challenged before this Court in various petitions, which are pending; cannot be a ground to entertain the present petition and has thus, directed the appellants to approach the Tribunal.



5. To the contrary, learned counsel appearing on behalf of respondent has submitted that the issue raised in the present petition is different than the one raised before the learned Tribunal.
6. Be that as it may, having regard to the fact that the appellants did not approach the Tribunal for the relief sought herein, we find no perversity in the order passed by the learned Single Judge.
7. The petition is disposed of, with liberty to the appellant to approach the learned Tribunal, if so advised.
8. Pending applications also stand disposed of.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 14, 2024/uk