



\$~79

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

+ **W.P.(C) 12015/2024**

NAND LAL

.....Petitioner

Through: Mr. Satish Sharma, Advocate.

versus

**CENTRAL PUBLIC WORKS DEPARTMENT
& ANR.**

.....Respondents

Through: Mr. Syed Abul Haseeb, Central
Government Standing Counsel with Mr. Lovekesh
Aggarwal, Govt. Pleader.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.08.2024

%

1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India, seeking the following reliefs:

“i) mandamus thereby directing the respondent no.1 to immediately start processing of pension payment order and release of other pensionary benefits including gratuity, provident fund, group insurance, leave encashment etc. along with applicable interest.

ii) certiorari thereby quashing the office memorandum No.55/14/2014/P&PW (c) Part-I, dated 29.11.2016 issued by respondentno.2 being violative of Article 21 of the Constitution of India petitioner or in the alternative directing the respondents to exempt the petitioner from uploading his pension papers upon the Bhavishya Portal in the peculiar/special circumstances being faced by the petitioner.”

2. The reliefs sought in the present petition are against the Central Public Works Department (‘CPWD’) and Union of India through Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioner’s Welfare, Government of India.

W.P.(C) 12015/2024

page 1 of 2



3. Clearly the dispute relating to the release of pension falls within the definition of service matters under Section 3(q) of The Administrative Tribunals Act, 1985 ('Act 1985') and since CPWD is notified under Section 14 of the Act 1985, the Central Administrative Tribunal will have the jurisdiction as the Court of first instance in view of the Constitution Bench of the Supreme Court in *L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261* as well as the provisions of Section 14 of Act 1985.

4. Learned counsel for the Petitioner submits that he has approached this Court as he has raised a challenge to an Office Memorandum dated 29.11.2016 and this issue cannot be decided by the Tribunal. The contention is wholly misplaced as the Supreme Court in *L. Chandra Kumar (supra)* has held that the Tribunal is competent to decide even the vires of subordinate legislations except for the parent statute under which it is created and there can thus be no doubt that the Tribunal will have the jurisdiction to decide a challenge to an executive instruction i.e., the Office Memorandum dated 29.11.2016.

5. Petition stands disposed of as withdrawn with liberty to the Petitioner to approach the appropriate forum in accordance with law.

JYOTI SINGH, J

AUGUST 30, 2024

DU