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

+ **W.P.(C) 17967/2024**

DR SATYAJIT KUMAR

.....Petitioner

Through: Mr. Divyanshu Priyam, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Monika Arora, Central Government Standing Counsel with Mr. Subhrodeep Saha and Ms. Radhika Kurdukar, Advocates for R1.

Mrs. Avnish Ahlawat, Standing Counsel, GNCTD with Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat and Mr. Amitoj Chadha, Advocates for R2 and R3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.12.2024

CM APPL. 76461/2024

1. Exemption 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 reliefs:-

"1. Permit the petitioner to contest the Delhi State Assembly Election 2025.

2. Direct the respondents to relieve the petitioner from the post of Medical Officer for the purpose of contesting the elections.

3. Ensure the petitioner's right to rejoin his post if unsuccessful in the elections and in the pendency of this Petition, the Petitioner prays for an interim relaxation on the implementation of Rule 5 of the Central Civil

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Services (Conduct) Rules, 1964.”

4. It is clear from the writ petition and the prayer clause that the relief claimed is in the nature of service matter as the Petitioner is seeking a permission to contest the Delhi State Assembly Elections in 2025 in relaxation of Rule 25 of the Central Civil Services (Conduct) Rules, 1964.

5. As the relief is sought against the Union of India through Ministry of Health and Family Welfare; Government of NCT of Delhi and Health & Family Welfare Department, Government of NCT of Delhi, which fall under Section 14 of the Administrative Tribunals Act, in view of the Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261*** and the recent judgment of the Division Bench of this Court in ***Parikshit Grewal and Others v. Union of India and Another, 2024 SCC OnLine Del 6939***, the Administrative Tribunals are the only Courts of first instance for adjudication of the issues raised by the Petitioner. Relevant paragraph of the judgment of Division Bench of this Court in ***Parikshit Grewal (supra)*** is as under:

“It is a matter of some discomfiture to this Court that, nearly three decades after seven Hon’ble Judges of the Supreme Court clearly held, in the near-iconic decision in L. Chandra Kumar v UOI, that all matters which lay within the province of the Central Administrative Tribunal by virtue of Section 14 of the Administrative Tribunals Act, 1985 would have to be agitated before the Tribunal and that the High Court could not act as a court of first instance in such cases, petition after petition is still preferred in the High Court, in clear violation of the judgment. Every possible argument in the book is pressed into service, to somehow avoid L Chandra Kumar. Exceptions, not to be found either in Section 14 of the AT Act or in the judgment in L Chandra Kumar, are sought to be read into it by implication. In the process, both Article 141 and 144 of the Constitution of India are consigned to oblivion.”

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6. Accordingly, this writ petition is dismissed, with liberty to the Petitioner to take recourse to appropriate remedies before the appropriate forum, in accordance with law, if so advised. It will be open to the Petitioner to raise all pleas, legal and factual and all other contentions raised in the present writ petition in the appropriate forum.

JYOTI SINGH, J

DECEMBER 24, 2024/jg

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