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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18006/2024**

MAJ APOORV CHITTORIA

.....Petitioner

Through: Mr. S.S. Pandey and Mr. Roshan
Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Arunima Dwivedi, Central
Government Standing Counsel with Ms. Pinky
Pawar and Ms. Swati Jhunhunwala, Advocates for
R1.

Mr. Hussain Taqvi and Mr. Anish Murlidhar,
Advocates for R3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.12.2024

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CM APPL. Nos. 76586 and 76588/2024

1. Exemptions allowed subject to all just exceptions.
2. Applications stand 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:

*“a) Issue a writ in the nature of certiorari or any other appropriate writ,
order or direction calling for entire records based on which the impugned
order dated 09.12.2024 of repatriation of Petitioner-Under Secretary on
deputation with Press Council Of India was issued by Respondent No. 2
with immediate effect in most illegal and unreasonable manner and in
utter disregard to the applicable rules and procedure and thereafter,
quash/set aside all such order including the impugned order dated
09.12.2024 as also order dated 10.12.2024 vide which the petitioner was
denied ad hoc pay and allowances which was required to be paid to the
Parent Cadre disbursing organization of army for closing balance and
issuance of last pay certificate ;*

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b) Further issue a writ of mandamus or any other appropriate writ, against the Respondents directing the Respondents to reinstate the Petitioner to rejoin the Press Council Of India- Respondent No.2 to complete his period of deputation and further direction may be issued directing Press Council of India to release the provisional/ad hoc pay of the Petitioner for settlement of account with the Principal Controller Of Defence Accounts and for regularization of pay of the Petitioner for his tenure of deputation by issuing the Last Pay Certificate and for further payment of salary to him on regular basis by PCI.

c) Direct the Respondents to pay compensation to the Petitioner of Rupees 50 Lacs for harassing Petitioner by passing such illegal, arbitrary and unreasonable impugned order of repatriation within 86 days of joining giving a bad impression on Petitioner's overall career profile and denial of his basic rights of salary.”

4. It is clear from the writ petition and the prayer clause that the relief claimed is in the nature of service matter and is sought against the Ministry of Information and Broadcasting, Press Council of India and the Ministry of Defence, each of which are covered under Section 14 of the Administrative Tribunals Act, 1985 and thus in view of Section 14 and 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 Administrative Tribunal is the only Court of first instance for adjudication of the issues raised by the Petitioner.

5. 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. Pending application also stand disposed of.

JYOTI SINGH, J

DECEMBER 24, 2024/jg

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