



2025:DHC:1508-DB



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

+ **W.P.(C) 2877/2025, CM APPLs. 13719/2025, 13720/2025 & 13721/2025**

SHRI SRIKANT PRASAD AND OTHERSPetitioners

Through: Mr. Mukesh Kr. Gupta, Mr. Abhishek Singh and Mr. Manish Kr. Sharma, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Cauveri Birbal and Ms. Preksha Gaur, Advs. for MCD

Mr. Ravinder Agarwal, Mr. Manish Kumar Singh and Mr. Vasu Agarwal, Advs. for R-3
Mr. Tarun Sharma, Ms. Meenu Sharma, Mr. Abid Ali and Mr. Manek Sharma, Advs. for R-4 to 8

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

06.03.2025

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C.HARI SHANKAR, J.

W.P.(C) 2877/2025

1. Mr. Mukesh Gupta, who appears on behalf of the petitioners, submits that they were not parties before the Central Administrative Tribunal¹ in OA 3577/2023 but are affected by the judgment dated 14 January 2025 which came to be rendered in the said OA.

Signature Not Verified¹ "Tribunal" hereinafter

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2. He submits that his clients were required to be impleaded as parties before the Tribunal rendered the impugned decision.

3. In *K Ajith Babu v UOI*², followed by *State of West Bengal v Kamal Sengupta*³, the Supreme Court has held that, in such cases, the appropriate course of action would be for the party to file a review petition or an OA before the Tribunal instead of directly approaching the High Court, especially in view of the embargo, in *L Chandra Kumar v UOI*⁴, on the High Court acting as a court of first instance in service matters which are amenable to the jurisdiction of the Tribunal under the Administrative Tribunals Act, 1985.

4. We, therefore, dispose of this writ petition with liberty to the petitioners to approach the Tribunal by way of a fresh OA or review petition in accordance with the law in that regard.

5. The writ petition is accordingly disposed of.

6. The issue of merits as well as maintainability would be open to be urged before the Tribunal.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 6, 2025/ar

Click here to check corrigendum, if any

² (1997) 6 SCC 473

³ (2008) 8 SCC 612

⁴ (1997) 3 SCC 261