



\$~2

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

+ **W.P.(C) 5666/2025**

SHAMIM AKHTAR TAMANNAPetitioner

Through: **Mr. Amresh Bind, Advocate.**

versus

UNION OF INDIA & ORS.Respondents

Through: **Mr. Nishant Gautam, CGSC with
Mr. Prithvi Raj Dey, Advocates for
R-1.**

**Mrs. Avnish Ahlawat, SC for
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam, Mr. Mohnish
Sehrawat & Mr. Amitoj Chadha,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.05.2025**

CM APPL. 25918/2025 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 5666/2025 & CM APPL. 25917/2025 (stay)

1. The petitioner is an officer of the Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu, and Dadra and Nagar Haveli (Civil) Services ["DANICS Civil Services"]. He was serving in the Directorate of Information and Publicity, Government of National Capital Territory of Delhi.



2. The relief sought in the writ petition concerns a chargesheet dated 22.01.2024 issued to the petitioner by the Ministry of Home Affairs, Government of India, proposing to hold disciplinary proceedings against him under Section 14 of the Central Civil Services (Classification, Control and Appeal) [“CCS(CCA)”] Rules, 1965.
3. The petitioner’s contention is that the disciplinary proceedings are violative of his legal and Constitutional rights and based upon a misinterpretation of Article 239AA of the Constitution, and that the chargesheet wrongly proposes to hold an inquiry on allegation of contempt of court by the petitioner.
4. A preliminary objection is taken by learned counsel appearing for the respondents on advance notice, that the petitioner’s grievances ought to be raised before the Central Administrative Tribunal [“CAT”].
5. Although it is admitted that DANICS is an All India Service, and the jurisdiction of CAT is available under Section 14(1)(b) of the Administrative Tribunals Act, 1985, the objection is resisted by learned counsel for the petitioner on the ground that the present challenge will raise questions of Constitutional interpretation as also require determination of whether he has committed contempt of Court.
6. The judgment of the Supreme Court in *L. Chandra Kumar v. Union of India and Others* [(1997) 3 SCC 261], and several judgments of the Courts following it, have made the question of jurisdiction in such cases crystal clear. Where a matter falls within the jurisdiction of CAT, a litigant is not entitled to approach the High Court at the first instance under Article 226 of the Constitution. Recent Division Bench judgments in *Parikshit Grewal & Ors. v. Union of India & Anr.* [LPA 971/2024,



decided on 27.09.2024] and in *Manish Kumar v. UoI & Ors.* [2025 SCC OnLine Del 1519, decided on 06.03.2025] establish this position beyond any doubt.

7. Nonetheless, several petitions like the present petitioner continued to approach the High Court at the first instance. Such a process is an unnecessary waste of judicial time, particularly when, in a case such as the present, the petitioner knows well where his remedies lie. The petitioner himself has approached the CAT in O.A. 4866/2024, challenging the orders by which he has been suspended, which remains pending before CAT.

8. In these circumstances, the petition is dismissed with liberty to approach CAT on the same cause of action. All pending applications also stand disposed of.

9. All rights and remedies are reserved.

PRATEEK JALAN, J

MAY 22, 2025
'pv/JM'