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

+ **W.P.(C) 10580/2025**

ADIB FATEMA NOMANI

.....Petitioner

Through: Petitioner in Person.

versus

THE COMMISSIONER OF POLICE & ANR.

.....Respondents

Through: Ms. Ira Singh, SPC for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

23.07.2025

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1. Issue Notice. Ms. Ira Singh, learned Senior Panel Counsel, accepts notice on behalf of the respondents.
2. The petitioner is the wife of late Sub-Inspector [Exe] Md. Naim Siddiqui, who was an employee of Delhi Police. He passed away on 04.12.2020 while he was still in service. The claim in this petition is for interest on account of delayed payment of leave encashment dues in respect of her husband's service.
3. The respondents in the present petition are the Commissioner of Police and Deputy Commissioner of Police, Government of National Capital Territory of Delhi ["GNCTD"]. Disputes relating to service benefits of employees of GNCTD, including Delhi Police, admittedly fall within the jurisdiction of the Central Administrative Tribunal ["CAT"] under the Administrative Tribunals Act, 1985 ["the Act"].
4. The judgment of the Constitution Bench of the Supreme Court in



L. Chandra Kumar v. Union of India and Others, [(1997) 3 SCC 261] [hereinafter, “*L. Chandra Kumar*”], makes it clear that in such cases, a litigant cannot approach the Writ Court at the first instance, save and except in cases where the constitutional validity of the Act itself is under challenge. The judgment in *L. Chandra Kumar* has been followed in several cases, including the recent Division Bench decisions in *Parikshit Grewal & Ors. v. Union of India*, [2024 SCC OnLine Del 6939], and *Manish Kumar v. Union of India & Ors.*, [2025 SCC OnLine Del 1519].

5. In view of the aforesaid, I am of the view that the petitioner’s grievance must be raised before CAT at the first instance.

6. The petitioner, who appears in person, however, submits that she has earlier agitated her claim for leave encashment before this Court, and the present petition is only for interest thereupon.

7. My attention is drawn to the judgment dated 20.05.2024 in *Ms. Abid Fatema Nomani v. Union of India & Ors.*[W.P.(C) 7277/2024], in which the petitioner sought a direction upon the respondents to release the leave encashment salary of her late husband to her. The writ petition was disposed of with the direction that the respondents may consider the petitioner’s representation, and pass appropriate orders.

8. The petitioner thereafter filed Contempt Case (Civil) No. 1022/2024, but during the pendency of the contempt proceedings, an order was issued, releasing the amount of ₹6,84,480/- to her. The petitioner’s grievance is that the amount has been released to her without interest. The grievance was first raised before the Contempt Court, which by an order dated 16.04.2025, held that the interest claim would have to be agitated in appropriate proceedings.



9. I am not persuaded that the aforesaid proceedings before this Court, permit the petitioner to bypass the remedy available to her before CAT. The judgment dated 20.05.2024 only directed the respondents to dispose of the petitioner's representation. It does not appear that the issue of CAT's jurisdiction was raised before the Court. The grievance now raised is essentially against the denial of interest in the order passed by the respondents on her representation. It thus affords a different cause of action, which must be appropriately pursued. The contempt proceedings also arose only out of the judgment of this Court.

10. Having regard to the judgment in *L. Chandra Kumar*, and the Division Bench judgments cited above, the present writ petition is disposed of, with liberty to the petitioner to approach CAT on the same cause of the action.

PRATEEK JALAN, J

JULY 23, 2025

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