



\$~73

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

+ W.P.(C) 11280/2025, CM APPL. 46332/2025 & CM APPL. 46333/2025

AJIT SINGH RAWAT & ORS.

.....Petitioners

Through: Mr. Munish Kr. Gaur, Mr. Peeyush Kaushik, Mr. Ritesh Kr. Kaushik, Advocates.

versus

SH. RK JAIN, SECRETARY GENERAL & ANR.Respondents

Through: Mr. L.R. Khatana, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **31.07.2025**

1. The petitioners are employees of the Indian Red Cross Society (National Headquarters). They have filed this writ petition under Article 226 of the Constitution, seeking the following reliefs:

*"I) Writ, Order or direction in the nature of **CERTIORARI** or any other appropriate writ, order or direction in favour of the petitioners, thereby **quashing the proposed "Indian Red Cross Society National Headquarters Human Resource Policy on Staff recruitment, management, and development, 2025."**, thereby restraining the Respondents from changing the service conditions of the Petitioners as well as other employees of IRCS without following the procedure prescribed under the DOPT w.r.t. CCA CCS rules.*

*III. Writ, Order or direction in the nature of **MANDAMUS** or any other appropriate writ, order or direction in favour of the petitioners, thereby directing the Respondents to regularize the services of all adhoc employees working with the Indian Red Cross and who were ordered to be regularized vide resolution of the Managing Body of Indian Red Cross in its meeting.*

*IV. Writ, Order or direction in the nature of **MANDAMUS** or any*



other appropriate writ, order or direction in favour of the petitioners, thereby directing the Respondents to follow the rules and regulations published by DOPT for appointment of retired employees and to discontinue the services of any official appointed without extension and approval of the appropriate Committee, presently working with Indian Red Cross Society.”

2. At the very outset, it may be noted that it is the admitted position that the Indian Red Cross Society is a notified entity for the purposes of the jurisdiction of the Central Administrative Tribunal [“the Tribunal”] under the Administrative Tribunals Act 1985 [“the Administrative Tribunals Act”].

3. Mr. L.R. Khatana, learned counsel for the respondents, who appears on advance notice, further submits that the challenge in this petition pertains to a proposed “*Human Resources Policy On staff recruitment, management, and development*”, which has not yet been finalised or brought into force. The petition also includes a claim for regularisation of services of ad-hoc employees, although the petitioners are not themselves *ad-hoc* employees or otherwise affected by the aforesaid relief.

4. The averment in the writ petition with regard to the jurisdiction of the Tribunal and filing of a Public Interest Litigation is as follows:

“8. That the petitioner has no alternate and efficacious remedy except the present Writ Petition. The relief prayed in the present writ are not covered under the subjects contemplated under Section 19 of the CAT Act. The relief as prayed cannot be granted by CAT in view of the prayers made in the present writ. The Petitioners cannot file PIL on the subject they have been advised that the prayers of the present writ also affects their service conditions, hence finding no alternate efficacious remedy the petitioners are filing the present writ.”

5. I am of the view that these contentions are inadequate to oust the jurisdiction of the Tribunal. The judgment of the Constitution Bench in *L.*



*Chandra Kumar v. Union of India and Ors.*¹ clearly holds that the Tribunal has the jurisdiction even to entertain challenges to vires of statutes and rules in matters which otherwise fall within its domain. Section 14 of the Administrative Tribunals Act vests the Tribunal with jurisdiction in respect of all matters which could be brought before the Court in relation to recruitment, and matters concerning service disputes. The fact that the respondent – Indian Red Cross Society - has been notified for the purposes of the jurisdiction of the Tribunal is not disputed.

6. The words, “*in relation to*”, used in Section 14, have been consistently interpreted by the Courts as being of wide and comprehensive import. In *Executive Engineer, Gosikhurd Project v. Mahesh*², the Supreme Court referred to its earlier judgments and held as follows:

“20. We begin by examining the phrasing of clause (a) to Section 24(1) of the 2013 Act. We would prefer to read the words “all the provisions relating to determination of compensation” in Section 24(1)(a) as including the period of limitation specified in Section 25 of the 2013 Act. To elaborate, the word “all” and the expression “relating to” used in Section 25 are required to be given a wide meaning to ensnare the legislative intent. **The expressions “relating to” or “in relation to” are words of comprehensiveness which may have a direct as well as indirect significance depending on the context**³.

21. Similarly, interpreting Section 129-C of the Customs Act, 1962, this Court while giving the phrase “in relation to” a narrower meaning of direct and proximate relationship to the rate of duty and to the value of goods for purpose of assessment, did observe that ordinarily the phrase “in relation to” is of a wider import⁴. Several cases assigning a wider import to the expression “relating to”, in view of the contextual

¹ (1997) 3 SCC 361, [hereinafter, “*L. Chandra Kumar*”].

² (2022) 2 SCC 772.

³ State Wakf Board v. Abdul Azeez Sahib, 1966 SCC OnLine Mad 80 : AIR 1968 Mad 79.

⁴ Navin Chemicals Mfg. & Trading Co. Ltd. v. Collector of Customs, (1993) 4 SCC 320.



background, find reference in *Gujarat Urja Vikas Nigam Ltd. v. Amit Gupta*⁵. In *Renusagar Power Co. Ltd. v. General Electric Co.*⁶, this Court held that the term “in relation to”, when used in the context of arbitration clause, is of widest amplitude and content.

22. In *Mansukhlal Dhanraj Jain v. Eknath Vithal Ogale*⁷ the expression “relating to” in the context of the Small Cause Courts Act, 1887 has been held to be comprehensive in nature that would take in its sweep all types of suits and proceedings which are concerned with recovery of possession. Broad and wider interpretation was again preferred in *Doypack Systems (P) Ltd. v. Union of India*⁸, observing that the expression “in relation to” is a very broad expression which presupposes another subject-matter. In *Doypack Systems (P) Ltd.*, in the context of Section 3 of the Swadeshi Cotton Mills Company Ltd. (Acquisition and Transfer of Undertakings) Act, 1986, the expression “relating to” was held to mean “bring into association or connection with”. [*Doypack Systems (P) Ltd.*, para 50] The words are comprehensive and might have both direct as well as indirect significance. **The decision in Gujarat Urja Vikas Nigam Ltd. refers to Corpus Juris Secundum, wherein the expression “relating to” has been held to be equivalent to or synonymous with as to “concerning with” and “pertaining to”. It has been observed that the expression “pertaining to” is an expression of expansion and not of contraction.**

23. The expression **“relating to” when used in legislation normally refers to “stand in some relation, to have bearing or concern, to pertain, to refer, to bring into association with or connection with”.** [See judgment of Mitter, J. (para 308) in *Madhav Rao Jivaji Rao Scindia v. Union of India*⁹.] **Therefore, the expression “relating to” when used in legislation has to be construed to give effect to the legislative intent when required and necessary by giving an expansive and wider meaning.** Given this trend in interpretation, the words “all the provisions of this Act relating to the determination of compensation” must not be imputed a restricted understanding of the word “relating” only to the substantial provisions on calculation of compensation, that is, Sections 26 to 30 of the 2013 Act. Rather, the expression should be given an expansive meaning so as to include the provision on limitation period for calculation of compensation, that is, Section 25 of the 2013 Act¹⁰.”

⁵ *Gujarat Urja Vikas Nigam Ltd. v. Amit Gupta*, (2021) 7 SCC 209 : (2021) 4 SCC (Civ) 1.

⁶ *Renusagar Power Co. Ltd. v. General Electric Co.*, (1984) 4 SCC 679.

⁷ *Mansukhlal Dhanraj Jain v. Eknath Vithal Ogale*, (1995) 2 SCC 665.

⁸ *Doypack Systems (P) Ltd. v. Union of India*, (1988) 2 SCC 299.

⁹ (1971) 1 SCC 85.

¹⁰ Emphasis supplied.



7. It is evident from paragraph 8 of the writ petition itself, that the relief sought would affect the petitioners' service conditions. The consequence is that such relief is within the jurisdiction of the Tribunal.

8. The judgment in *L. Chandra Kumar* makes it clear that where the jurisdiction of the Tribunal is attracted, the litigant cannot approach the writ Court at first instance, but the Constitutional remedy would arise only if the required relief is not granted by the Tribunal. This principle has been further explained in two recent Division Bench judgments of this Court in *Parikshit Grewal & Ors. v. Union of India & Anr.*¹¹ and *Manish Kumar v. Union of India & Ors*¹². The Division Bench in *Parikshit Grewal* has, in fact, deprecated the tendency of filing of writ petitions despite the availability of jurisdiction before the Tribunal, in the following terms:

"14. Thus, the position in law is clear as crystal. All matters, which fall within the purview of Section 14 of the AT Act have first to be agitated before the Tribunal. It is the Tribunal alone which can entertain these matters, as a court of first instance. The litigant is completely proscribed from approaching the High Court in such matters, without first approaching the Tribunal. The only circumstance in which the litigant can approach the High Court, without first approaching the Tribunal, is where the litigation challenges the vires of the AT Act itself, or of one or the other of its provisions.

15. It is completely befuddling, therefore, to see petitions, which clearly fall within the scope and ambit of Section 14 of the AT Act, being directly filed in the High Court. Going by the number of such petitions which are still coming up before this Court itself, the malaise is reaching endemic proportions. Without meaning any disrespect to High Courts which may choose to entertain such petitions, these stray examples, if any, cannot derogate from the position in law so unequivocally stated by seven Hon'ble Judges of

¹¹ 2024 SCC OnLine Del 6939, [*"Parikshit Grewal"*].

¹² 2025 SCC OnLine Del 1519.



the Supreme Court in L. Chandra Kumar.¹³

9. For the reasons aforesaid, this writ petition, alongwith the pending applications, is dismissed, and the petitioners are at liberty to approach the Tribunal for agitation of any grievances.

10. It is made clear that the rights and contentions of the parties with regard to the maintainability or merits of such a proceeding have not been decided by this Court.

11. At this stage, it is contended by Mr. Umesh Chandra Sharma, learned counsel for the petitioners, that some of the reliefs do not affect the petitioners directly, and they will be required to approach the Court by way of a Public Interest Litigation. Again, no observation of this Court is called for. If the petitioners take such remedies, those will be considered at that stage.

PRATEEK JALAN, J

JULY 31, 2025

‘Bhupi/Jishnu’/

¹³ Emphasis supplied.