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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12450/2024

HARPREET KAUR CHADHA

.....Petitioner

Through: Mr. M.K. Bhardwaj, Advocate.

versus

LOKPAL OF INDIA AND ORS.

.....Respondents

Through: Mr. Amartya Ashish Sharan and
Mr. Akash Kishore, Advocates for
NHRC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.01.2025

CM APPL. 1951/2025 [application seeking vacation of order dated 05.09.2024] and W.P.(C) 12450/2024

1. The respondent No.2/National Human Rights Commission ["NHRC"] has filed this application for vacation of an order of stay granted on 05.09.2024, on the ground that the disputes raised in the present petition are amenable to the jurisdiction of the Central Administrative Tribunal ["CAT"] under the Administrative Tribunals Act, 1985.
2. With the consent of learned counsel for the parties, the writ petition is taken on Board.
3. In the writ petition, the petitioner has challenged disciplinary proceedings instituted by NHRC *vide* Memorandum dated 02.01.2023.
4. It is undisputed that NHRC is notified for the purposes of



jurisdiction of CAT by notification dated 31.03.2010. However, Mr. M.K. Bhardwaj, learned counsel for the petitioner, submits that the charges against the petitioner relate to a period when she was on deputation in the office of the Lokpal of India, which is not amenable to such jurisdiction. It is his contention that the action taken by NHRC is contrary to Circular No. 18/09/22 of the Central Vigilance Commission dated 01.09.2022, inasmuch as there has been no request from the office of the Lokpal of India for commencement of proceedings against the petitioner.

5. Having regard to the fact that the impugned disciplinary proceedings have been initiated by the National Human Rights Commission, and to the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India and Others* [(1997) 3 SCC 261], I am of the view that the petitioner must agitate her grievances before CAT. Needless to say, all grounds available to her will remain available before the CAT.

6. The writ petition is disposed of, with liberty to the petitioner to move the CAT, and seek interim relief before it.

7. The interim order dated 05.09.2024, by which the proceedings before the Inquiry Officer were deferred, shall continue to operate for a period of two weeks.

8. The next date of hearing, i.e. 20.02.2025, stands cancelled.

PRATEEK JALAN, J

JANUARY 17, 2025

VLD/kb/