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

+ **W.P.(C) 13694/2025**

KAMLESH ALIAS KAMLESH SINGHPetitioner
Through: Mr. Sachin Agarwal, Mr. Virendra
Kumar, Mr. Harichandra Verma
and Ms. Vineeta Kushwaha,
Advocates.

versus

UNION OF INDIA & ANR.Respondent
Through: Mr. Mridul Jain, SPC with Mr.
Ruby Sharma, Advocates for R1.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
08.09.2025

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1. The petitioner has filed this petition under Article 226 of the Constitution, seeking “*payment of legal service benefits dues and pension*” arising from the services of her late husband, Sh. Satpal Singh, who was employed in respondent No. 2 – Prasar Bharati.
2. The respondents in the writ petition are the Union of India and Prasar Bharati, both of which are subject to the jurisdiction of the Central Administrative Tribunal [“the Tribunal”] under the Administrative Tribunals Act, 1985 [“the Act”].
3. Mr. Sachin Agarwal, learned counsel for the petitioner, however, submits that the right sought to be vindicated by the petitioner is a constitutional right guaranteed under Article 300-A of the Constitution, as



held in the judgment of the Supreme Court in *State of Jharkhand & Ors. v. Jitendra Kumar Srivastava & Anr.*¹

4. The aforesaid submission, in my view, does not entitle the petitioner to approach the writ Court in the first instance.

5. The judgment of the Supreme Court in *L. Chandra Kumar v. Union of India & Ors.*², clearly holds that, in respect of disputes which are subject to the jurisdiction of the Tribunal, the writ Court cannot entertain a petition in the first instance, except in a situation where the vires of the Act itself is challenged. 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 & Anr.*³ and *Manish Kumar v. Union of India & Ors.*⁴

6. The following observations of the Constitution Bench in *L. Chandra Kumar* are relevant in this regard:

93. Before moving on to other aspects, we may summarise our conclusions on the jurisdictional powers of these Tribunals. **The Tribunals are competent to hear matters where the vires of statutory provisions are questioned.** However, in discharging this duty, they cannot act as substitutes for the High Courts and the Supreme Court which have, under our constitutional set-up, been specifically entrusted with such an obligation. Their function in this respect is only supplementary and all such decisions of the Tribunals will be subject to scrutiny before a Division Bench of the respective High Courts. **The Tribunals will consequently also have the power to test the vires of subordinate legislations and rules. However, this power of the Tribunals will be subject to one important exception. The Tribunals shall not entertain any question regarding the vires of their parent statutes following the settled principle that a Tribunal which is a creature of an Act cannot declare that very Act to be unconstitutional. In such cases alone, the High Court concerned**

¹ (2013) 12 SCC 210.

² (1997) 3 SCC 261 [hereinafter, "*L. Chandra Kumar*"].

³ 2024 SCC OnLine Del 6939, paragraph 14.

⁴ 2025 SCC OnLine Del 1519, paragraphs 12 and 13.



may be approached directly. All other decisions of these Tribunals, rendered in cases that they are specifically empowered to adjudicate upon by virtue of their parent statutes, will also be subject to scrutiny before a Division Bench of their respective High Courts. **We may add that the Tribunals will, however, continue to act as the only courts of first instance in respect of the areas of law for which they have been constituted. By this, we mean that it will not be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except, as mentioned, where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned.**⁵

7. The position laid down in the above authorities is crystal clear. The Tribunal has jurisdiction to consider all service-related disputes, including challenges to statutory rules and executive actions, in the first instance. This includes the adjudication of constitutional rights, such as the one claimed by the petitioner herein. The remedy of the writ Court is available to a litigant in such circumstances only if he/she is aggrieved by an order of the Tribunal. In such a situation, the writ petition is placed directly before a Division Bench for adjudication.

8. As the petitioner herein has not followed the adjudicatory mechanism laid down in the aforesaid judgements, the writ petition is dismissed. The petitioner is at liberty to invoke the remedies available to him in law.

PRATEEK JALAN, J

SEPTEMBER 8, 2025

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⁵ Emphasis supplied.