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

+ **W.P.(C) 14343/2024**

SC ST EMPLOYEES ASSOCIATION & ANR.Petitioners

Through: Mr. Aditya Kumar Choudhary,
Mr. Aditya Anand Singh and
Mr. Anurag Yadav, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Shashank Dixit, CGSC with
Mr. Rohit Gupta, Advocate for
R/UI.
Mr. Saqib, Advocate for applicant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **11.03.2025**

**CM APPL. 14595/2025 (for early hearing of CM APPL. 8488/2025) &
W.P.(C) 14343/2024**

1. This application has been filed for early hearing of CM APPL. 8488/2025 [for impleadment in the captioned writ petition].
2. One of the points raised in the application is that the grievances agitated in the writ petition are amenable to the jurisdiction of the Central Administrative Tribunal ["the Tribunal"], and the petitioner must, therefore, approach the Tribunal in the first instance instead of invoking writ jurisdiction of the Court.
3. In support of this contention, the petitioner has also placed on record the relevant notification of the respondent No. 1 - Union of India, by which the respondent No. 2 - Indian Council of Agricultural Research



[“ICAR”], has been notified for the purposes of jurisdiction of the Tribunal under Section 14(2) of the Administrative Tribunals Act, 1985 [“the Act”].

4. In view of this contention, with consent of learned counsel of parties, the writ petition is taken on board.

5. The hearing was passed over to enable to Mr. Aditya Kumar Choudhary, learned counsel for the petitioner, to consider the matter. At the second call, he confirms that the ICAR is subject to the jurisdiction of the Tribunal and seeks permission to withdraw this writ petition, with liberty to approach the Tribunal.

6. It is a matter of regret that writ petitions continue to be filed in this Court in matters which are clearly within the jurisdiction of the Tribunal. The judgment of the Hon’ble Supreme Court in *L. Chandra Kumar vs. Union of India & Ors.*, [(1997) 3 SCC 261], has held the field for almost 30 years, and has been explained time and again in various judgments, including those of this Court. The recent judgment of the Division Bench in *Parikshit Grewal & Ors. v. Union of India & Anr.*, [LPA 971/2024, decided on 27.09.2024], disapproved this continuing practice in the following terms:

“1. It is a matter of some discomfiture to this Court that, nearly three decades after seven Hon’ble Judges of the Supreme Court clearly held, in the near-iconic decision in *L. Chandra Kumar v UOI* [(1993) 3 SCC 261], that all matters which lay within the province of the Central Administrative Tribunal by virtue of Section 14 of the Administrative Tribunals Act, 1985 would have to be agitated before the Tribunal and that the High Court could not act as a court of first instance in such cases, petition after petition is still preferred in the High Court, in clear violation of the judgment. Every possible argument in the book is pressed into service, to somehow avoid *L Chandra Kumar*. Exceptions, not to be found either in Section 14 of the AT Act or in the judgment in *L Chandra Kumar*, are sought to be read



into it by implication. In the process, both Article 141 and 144 of the Constitution of India are consigned to oblivion.

2. This is yet one other such case, in which the appellants have sought to avoid approaching the Tribunal and have petitioned this Court, in a matter which clearly falls within Section 14 of the AT Act. A learned Single Judge of this Court has, in a detailed and well considered judgment, clearly disapproved the attempt, and has dismissed the petition as not maintainable in view of L Chandra Kumar. Instead of approaching the Tribunal, as they could, and should, have, the appellants have sought to appeal against the decision of the learned Single Judge. Of course, they are certainly entitled to appeal; but, **in the process, the chance of, perhaps, obtaining relief from the right forum, is frittered away.**

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12. Thus, the Supreme Court clarified, in terms as unequivocal as could be, that it would not be open to a litigant to approach the High Court in matters relating to the areas of law in which the Tribunal concerned is constituted, and that the Tribunal would continue to act as the court of first instance in all such matters, the only exception being where the very legislation under which the Tribunal is constituted is challenged. **In other words, save and except for cases in which the litigant challenges one or the other provision of the AT Act, it is not open to the litigant to approach the High Court in the first instance, in respect of matters which the Central Administrative Tribunal is competent to adjudicate; in other words, in respect of matters which fall within the purview of Article 14 of the Constitution. In all such matters, the Central Administrative Tribunal would be the only court of first instance, available to the litigant.**

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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 the Supreme Court in L. Chandra Kumar."

[Emphasis supplied]

7. As a result of this misadventure, the petitioners have spent five months, and six dates of listing, before this Court, in a matter which should have been filed before the Tribunal and progressed there in this time. Such a practice, in a case such as the present one, where the entity is specifically notified under Section 14 of the Act, is difficult to countenance.
8. The writ petition is dismissed as withdrawn, with the above observations, and with liberty to approach the Tribunal.
9. The next date of hearing, i.e. 15.09.2025, stands cancelled.

PRATEEK JALAN, J

MARCH 11, 2025

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