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

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W.P.(C) 17045/2024 & CM APPL. 72303/2024

ASHOK MEENA AND ORS

.....Petitioners

Through: Mr. Shadan Farasat, Sr. Advocate  
with Mr. Abhishek Babbar,  
Advocate.

versus

DELHI STATE INDUSTRIAL AND  
INFRASTRUCTURE DEVELOPMENT  
CORPORATION LTD AND ANR.

.....Respondents

Through: Ms. Anusuya Salwan and Mr. B.  
Garg, Advocates for R-1 with Ms.  
Varsha T., LA.  
Mrs. Avnish Ahlawat, SC with Mr.  
N.K. Singh, Ms. Laavanya  
Kaushik, Ms. Aliza Alam, Mr.  
Mohnish Sehrawat and Mr. A.  
Chadha, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**20.01.2025**

1. The petitioners, 29 in number, have filed this writ petition for directions upon the respondent No. 1- Delhi State Industrial and Infrastructure Development Corporation ["DSIIDC"] to appoint them to the post of Junior Engineer (Civil). The petitioners claim to have applied against the advertisement dated 29.12.2021 issued by the Delhi Subordinate Services Selection Board. In the order dated 10.12.2024 passed in this writ petition, the Court noted that respondent No. 1 is



notified under Section 14 of the Administrative Tribunals Act, 1985 and writ petition is therefore not maintainable in view of the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India and Others*, (1997) 3 SCC 261. However, it was further noted as follows:

*“4. Learned Counsel for Respondent No. 1, however, draws the attention of the Court to an order dated 23.09.2024, where an undertaking was given by DSIIDC to the Court. In view of the said order, she seeks time to take appropriate steps in the contempt petition being Cont. Cas.(C.) 1150/2024.”*

2. Further time was granted for this purpose by order dated 18.12.2024.

3. The order dated 23.09.2024 in CONT.CAS (C) 1150/2024 records as follows:

*“2. Learned counsel for respondent No.1 is present. She submits that the process of recruitment is in continuation since 2013 with regard to the sanctioned posts, the result of which have been declared in the year 2023 and the successful candidates are going through the process of their medical examinations. It is urged that the respondents are not making any fresh recruitment after the aforesaid orders passed by this Court.”*

4. No steps have been taken in the contempt petition. Learned counsel for the DSIIDC states that there are now two competing sets of claimants- the persons who are working on the said posts at present, and have filed the contempt proceedings, and the persons who have been appointed pursuant to the advertisement dated 29.12.2021. She submits that respondent No. 1 is not in a position to issue the final orders of appointment to the petitioners in view of the orders of the contempt Court, and in view of the fact that no posts are available, having regard to the aforesaid order.

5. In these circumstances, I am of the view that the petitioners must



be left to their remedy before the Central Administrative Tribunal. The judgment in *L. Chandra Kumar* (supra) has recently been interpreted that by this Court in *Parikshit Grewal & Ors. vs. Union of India & Anr.* [LPA 971/2024, decided on 27.09.2024] wherein the Division Bench has held as follows:

*“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*.”*



6. It will, therefore, be difficult for the writ Court to grant the orders sought by the petitioners at the first instance. The petition, alongwith the pending application, is disposed of with the aforesaid observations.

7. The disposal of this writ petition will not come in the way of the petitioners making appropriate applications in the contempt proceedings or in any other proceedings, which prejudice their claims for appointment in the respondent organisation.

**PRATEEK JALAN, J**

**JANUARY 20, 2025/MR/AL/**