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

+ **W.P.(C) 2050/2025 & CM APPL. 9662/2025**

UMESH KUMAR JAIN

.....Petitioner

Through: Mr. Mukesh Mohan Goel,
Advocate.

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Mr. J.K. Tripathi, SPC with Mr.
Devvrat Yadav, GP for UOI.
Mr. Rakesh Chaudhary and Mr.
Sushaar Chaudhary, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.02.2025

1. The petitioner was in the service of the Ministry of Food Processing Industry, Government of India, as an Under Secretary from an undisclosed date until October 2016, when he proceeded on deputation to respondent No.2 - Food Safety and Standards Authority of India ["FSSAI"]. He was absorbed in FSSAI with effect from 03.10.2019.
2. The present case concerns the petitioner's dues on account of General Provident Fund ["GPF"] accumulated for the period of his service with the Union of India ["UOI"], and interest thereupon. The reliefs claimed in the writ petition are as follows:-

- "a) To direct the Respondent No. 1 to make the payment of interest on the General Provident Fund of the Petitioner by making correct calculation till the month of May 2020;*
- b) To direct the Respondent No.1 to make the payment of interest at the applicable rate as per GPF Act and Rules for the period from 01.06.2020 till the actual date of payment.*
- c) To pass any order(s)/further order (s)/relief (s)/ direction (s) as this Hon'ble Court may deem fit, just and proper under the facts*



and circumstances of the instant case, in the interest of justice”

3. Mr. J.K. Tripathi, learned counsel for UOI, who appears on advance notice, at the very outset, submits that the matter falls within the jurisdiction of the Central Administrative Tribunal [“CAT”] under Section 14(1)(b) of the Administrative Tribunals Act, 1985.

4. Mr. Mukesh Mohan Goel, learned counsel for the petitioner, submits that the Court has, in the past, entertained writ petitions relating to payment of interest on GPF dues in respect of persons under the service of UOI. However, he candidly states that the question of jurisdiction of the writ Court has not been considered in those judgments.

5. The question with regard to the jurisdiction of the writ Court in matters which are amenable to adjudication by the CAT, is, in my view, covered against the petitioner, by the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India and Others*, [(1997) 3 SCC 261] and judgments following it. Suffice it to refer to a recent Division Bench decision of this Court in *Parikshit Grewal & Ors. v. Union of India & Anr.* [LPA 971/2024, decided on 27.09.2024], which, upon an interpretation of *L. Chandra Kumar* (supra) and several subsequent decisions of the Supreme Court, observed 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*."

[Emphasis supplied]

6. In view of the above, it is evident that the writ Court cannot entertain the writ petition as the court of first instance, when the petitioner has not exhausted his remedy before the Tribunal.

7. The writ petition, alongwith the pending application, is therefore dismissed, with liberty to the petitioner to approach CAT on the same cause of action.

8. The rights and contentions of the parties have not been adjudicated by this Court.

PRATEEK JALAN, J

FEBRUARY 17, 2025/SS/JM/