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

+ **W.P.(C) 2025/2026 & CM APPLs. 9920-9922/2026**

**AIIMS OPERATION THEATRE TECHNOLOGISTS
ASSOCIATION**Petitioner

Through: Mr. Narender Singh Yadav, Mr.
Girraj Singh Yadav, Mr. Mudit
Bansal and Mr. Mayank Kumar,
Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Satya Ranjan Swain, CGSC with
Mr. Kautilya Birat, G.P., Mr. Ankush
Kapoor and Mr. Vishwadeep,
Advocates for R-1, 2 and 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.02.2026

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1. The Petitioner had earlier approached the Central Administrative Tribunal by filing O.A. No. 2267/2022, which was disposed of by order dated 22nd August, 2022. The Petitioner asserts that the said disposal was based on consent between the parties and that the Tribunal had issued a clear direction to the Respondents to consider the Petitioner's claim and to pass a reasoned and speaking order within a stipulated time frame.

2. In purported compliance with the aforesaid order, a memorandum dated 10th November, 2022 was issued by the All India Institute of Medical Sciences.¹ The said memorandum, the Petitioner asserts, merely recorded that the proposal had been referred to the Ministry of Health & Family

¹ "AIIMS"



Welfare and the Department of Expenditure and was under consideration, without adjudicating upon the Petitioner's entitlement or assigning any reasons whatsoever.

3. Thereafter, the Internal Cadre Review Committee of AIIMS, by its unanimous recommendations dated 24th December, 2022, examined the cadre structure of Operation Theatre Technologists and recommended restructuring of the cadre, revised nomenclature, enhancement of sanctioned strength, and alignment with the cadre hierarchy prevailing in PGIMER and JIPMER. The Petitioner asserts that even these institutional recommendations were not acted upon.

4. The matter continued to remain under consideration throughout the year 2023, resulting in stagnation of pay, denial of career progression, and recurring financial prejudice.

5. In these circumstances, the Petitioner has approached this Court seeking, *inter alia*, the following reliefs:

- “(a) *Issue a writ of mandamus or any other appropriate writ, order or direction declaring that the memorandum/speaking order dated 10.11.2022, issued in purported compliance of the order dated 22.08.2022 passed by the Hon'ble Central Administrative Tribunal in O.A. No. 2267 of 2022, does not constitute lawful or effective compliance, being non-adjudicatory in nature; ;*
- b) *Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to take a final, reasoned and speaking decision, within a time-bound period to be fixed by this Hon'ble Court, on the long-pending proposal relating to cadre restructuring and pay parity of Operation Theatre Technologists at AIIMS, New Delhi ,*
- (c) *Direct the Respondents, while taking such final decision, to consider and give due weight to the unanimous recommendations of the Internal Cadre Review Committee of AIIMS dated 24.12.2022, as well as the principle of parity already extended to similarly placed Operation Theatre Technologists in PGIMER, Chandigarh and JIPMER, Puducherry;”*



6. At the outset, Counsel for Respondents No. 2 & 3 has raised a preliminary objection as to the maintainability of the present petition, contending that the grievances sought to be raised herein fall within the jurisdiction of the Central Administrative Tribunal.

7. In the opinion of the Court, the objection raised by counsel for Respondents No. 2 & 3, has merit. Once the Petitioner had initially invoked the jurisdiction of the Central Administrative Tribunal, and such jurisdiction lies with the Tribunal, any subsequent or consequential grievance arising therefrom ought to be agitated by filing an appropriate substantive proceeding before the Tribunal itself.

8. Accordingly, without entering into the merits of the controversy, the present petition is dismissed in view of the law laid down by the Supreme Court in *L. Chandra Kumar v. Union of India & Ors.*,² while reserving liberty in favour of the Petitioner to agitate the grievances before the Tribunal in accordance with law.

9. Dismissed along with pending applications.

SANJEEV NARULA, J

FEBRUARY 12, 2026

as

² (1997) 3 SCC 261.