



2026:DHC:4528-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6811/2026, CM APPLs. 33509/2026, 33510/2026,
33511/2026 & 33512/2026

RS JASROTIA & ORS.Petitioners
Through: Mr. Mrinal Harsh Vaedhan, Ms.
Rituparna Patra, Mr. Pradhumn Rao, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Mahendra Vikram Singh,
SPC, Mr. Rahul Bhaskar, GP and Mr.
Avnish Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **18.05.2026**

C. HARI SHANKAR, J.

1. The petitioners in this writ petition are aggrieved by order dated 25 July 2025 passed by the Central Administrative Tribunal¹ in OA 3000/2017. More particularly, the petitioners are aggrieved by notifications dated 5 February 2026, 3 October 2025 and 4 January 2024 issued by the respondent.

2. The prayer clause in the writ petition merits reproduction and reads as under:

“In view of the facts and circumstances stated hereinabove, it is

Signature Not Verified ¹ “the Tribunal” hereinafter

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most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Issue an appropriate writ, order or direction, quashing the Impugned Order dated 25.07.2025 passed by the Ld. CAT, Principal Bench in O.A. No. 3000/2017 and Impugned Notifications dated 05.02.2026 (2 ineligible candidates). Notification dated 03.10.2025 (11 ineligible candidates), and Promotion Order dated 04.01.2024 (16 ineligible candidate), to the extent they grant promotion to ineligible candidates;
- b) Issue an appropriate writ, order or direction, directing the Respondents to strictly adhere to the Notification dated 19.02.2016 and consider the Petitioners for promotion to the post of Chief Loco Inspector in accordance with the original eligibility criteria;
- c) Issue an appropriate writ, order or direction, calling upon the Respondents to show under what authority the ineligible candidates, numbering 29 (as mentioned in Para No. 68) in total, are holding the post of Chief Loco Inspector;
- d) Direct the Respondents to grant promotion to the Petitioners with all consequential benefits, including notional seniority and arrears;
- e) Restrain the Respondents from granting any further promotions to the post of Chief Loco Inspector pursuant to the impugned selection process
- f) Direct the Respondents to maintain status quo with respect to the post of Chief Loco Inspector, including with regard to appointments, promotions and functioning of the said post
- g) Pass any other order(s) as this Hon'ble Court may deem fit in the interest of justice."

3. The petitioners admittedly were not parties before the Tribunal in OA 3000/2017. The petitioners' contention, as advocated by Mr. Mrinal Harsh Vaedhan, who appears on petitioners' behalf, is that, on the basis of the order dated 25 July 2025, notifications 3 October 2025 and dated 5 February 2026 have been issued which prejudicially affect



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his clients.

4. There are two reasons why, according to us, the petitioners are not competent to maintain the present writ petition.

5. The first is that, a challenge to the notifications dated 3 October 2025 and 5 February 2026 cannot be directly raised before this Court in view of the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India*².

6. Obviously, these notifications were not subject matter of challenge before the Tribunal in OA 3000/2017, as judgment in the said OA was rendered on 25 July 2025, prior to the issuance of these notifications. If we were to examine the correctness of these notifications in these proceedings, we would be acting as a Court of first instance in that regard, directly contrary to the law declared in para 93 of *L Chandra Kumar*, which we may reproduce as under:

“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



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declare that very Act to be unconstitutional. In such cases alone, the High Court concerned 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.*"

(Emphasis supplied)

7. Secondly, the Supreme Court has clearly held, in ***K. Ajit Babu v Union of India***³ that, if an order passed by the Tribunal affects someone who was not a party before it, the remedy would be to move the Tribunal by way of a review application. We have also followed the said decision in orders earlier rendered by us.

8. In fact, in ***K Ajit Babu***, the parties had moved the Tribunal by way of a Review Application, and the Tribunal had dismissed the Review Application on the ground that the parties would have to approach the Tribunal by way of a fresh OA. The Supreme Court negated the decision of the Tribunal and held that it would be open to a person, who was affected by the judgment of the Tribunal, but was not impleaded before the Tribunal, to move it in review and urge, before the Tribunal, that the decision was incorrect. The Tribunal would then take a view as to whether its earlier decision was correct or not correct, and act accordingly.

9. Mr. Mrinal Harsh Vaedhan, learned Counsel for the petitioners,



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has not been able to draw our attention to any judgment which entitles a person who is affected by an order of the Tribunal and was not a party before it when the order was rendered, to directly approach this Court under Article 226 of the Constitution of India.

10. In fact, any such attempt might be perilous in the teeth of the law declared in *L. Chandra Kumar*.

11. The decision in *K Ajit Babu* has been reiterated by the Supreme Court in *Jiji K S (Dr) v. Shibu K⁴* and *Rama Rao v. M G Maheshwara Rao⁵*.

12. In these circumstances, we have no option but to dismiss this writ petition as incompetent.

13. Needless to say, our order would not impede the petitioners from preferring appropriate remedies as may be available in law.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 18, 2026/dsn

⁴ 2026 SCC OnLine SC 324

⁵ (2007) 14 SCC 54