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

\+ W.P.(C) 14987/2025 & CM APPL. 61595-61597/2025

MEENAKSHI TYAGI .....Petitioner

Through: Mr. Soumbhagya Ranjan Pati, Advocate.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. R.V. Sinha, Sr. CGC with Mr. A.S. Singh & Ms. Shriya Sharma, Advocates for R-1. [M:-9868230464].
Mr. V.S.R. Krishna & Mr. V. Shashank Kumar, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 25.09.2025

1. The petitioner has filed this writ petition against an order dated 01.09.2025 passed by the All India Institute of Medical Sciences ["AIIMS"], and for a direction upon AIIMS to allow her to continue in service.

2. At the very outset, it has been pointed out to Mr. Soumbhagya Ranjan Pati, learned counsel for the petitioner, that the petition ought to have been filed before the Central Administrative Tribunal ["Tribunal"], as AIIMS is a notified entity for the purposes of the Tribunal's jurisdiction.

3. In fact, the situation in the present case is that the petitioner had approached the Tribunal for the same relief by way of O.A. 2625/2025. The impugned order has been passed pursuant to a direction of the Tribunal dated 28.07.2025, directing that the matter be treated as a representation to AIIMS. The Registry had also pointed out to the petitioner that the matter ought to be filed before the Tribunal. However, the petitioner has filed an application [CM APPL. 61597/2025] for listing of the matter without raising the issue of maintainability. It is stated therein that the impugned order dated 01.09.2025 gives rise to a fresh show cause of action.

4. The position of law laid down by the seven-Judge Bench of the Supreme Court in *L. Chandra Kumar v. Union of India* [(1997) 3 SCC 261] [hereinafter, "*L. Chandra Kumar*"], and followed in several decisions of this Court, does not admit of any doubt. In cases which fall within the jurisdiction of the Tribunal, it is not open to a litigant to approach the writ Court at the first instance, the sole exemption being where the vires of the Administrative Tribunals Act, 1985 is under challenge.

5. The Division Bench of this Court has repeatedly expressed concern that the practice of filing writ petitions directly persists, even in matters which should go to the Tribunal. Two recent Division Bench judgments of this Court in *Parikshit Grewal v. Union of India* [2024 SCC OnLine Del 6939] [hereinafter, "*Parikshit Grewal*"], and *Manish Kumar v. Union of India* [2025 SCC OnLine Del 1519] [hereinafter "*Manish Kumar*"], have placed the matter beyond doubt. In *Parikshit Grewal*, the Court held as follows:

"*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.*
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> *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"*
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> [Emphasis supplied.]

6. The same view has been taken in *Manish Kumar* in the following terms:

> *"14. On our pointing out to Mr. Chinmoy that the present petition would not lie before this Court as this is a "service matter" which, as per Section 19(1) of the AT act has to be preferred before the Tribunal, Mr. Chinmoy has drawn our attention to Section 3(q) of the AT Act which defines "service matters". He submits that by virtue of the said definition, a "service matter" has to be a matter relating to the conditions of service of the person who approaches the Court. In as much as the dispute in WP (C) 819/2025, from the order passed in which the present appeal emanates, was not a matter concerning the conditions of service of the petitioner but was in the nature of a quo warranto challenging the legality of appointment and continuance in office of Respondent 4, Mr. Chinmoy's contention is that it would lie before this Court.*
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> *15. The contention, to our mind, is misguided.*
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> *xxx xxx xxx*
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> *17. In case the appellant has a personal interest in the appointment of Respondent 4, in that setting aside of the appointment of Respondent 4 would affect the appellant's conditions of service, the lis in the writ petition would clearly be a "service matter" within the meaning of Section 2(q) of the AT Act, and would have to be preferred before the Tribunal under Section 19 thereof."*

7. Despite the categorical judgments of the Supreme Court and this Court, the Court is faced with several petitions each week, where the

jurisdictional position is known to counsel, but the writ petition is nonetheless pressed. In many of these cases, it is argued that the relief sought is urgent, and a last minute effort is made to persuade the Court to exercise jurisdiction so as to protect the litigant. Such cases not only jeopardise the litigant's interest by burdening them with unnecessary effort, time, and resources, but also impose an undue burden on the writ Court. This practice is strongly deprecated. The Court is compelled to observe that, in such cases, it may now be necessary to adopt the practice of imposition of costs, even at the stage of withdrawal of the petition.

8. While permitting Mr. Pati to withdraw this writ petition and approach the Tribunal, the Registry is directed to forward a copy of this order to the President and Secretary, Delhi High Court Bar Association, before the Court commences the practice of imposition of costs in such cases.

9. The writ petition, alongwith pending applications, is dismissed as withdrawn with liberty as aforesaid.

PRATEEK JALAN, J

SEPTEMBER 25, 2025
'pv/KA'/