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

+ W.P.(C) 423/2025 & CM APPLs. 2100-2101/2025

SUDHIR KUMAR SHARMA

.....Petitioner

Through: Mr. Pijush Kanti Roy, Sr.
Advocate with Ms. Tina Garg and
Mr. Amit Bardhan Mohanty,
Advocates.

versus

**UNION OF INDIA THROUGH SECRETARY
& ORS.**

.....Respondents

Through: Mr. Balendu Shekar, CGSC with
Mr. Jitendra Kumar, G.P. for UOI.
Mr. Puneet Jain, Sr. Advocate with
Mr. Manit Moorjani, Mr. Pratik
Mishra and Mr. Neeraj Bhati,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.01.2025**

1. Issue notice. Mr. Balendu Shekar, learned Central Government Standing Counsel, accepts notice on behalf of respondent No. 1 - Union of India. Mr. Manit Moorjani, learned counsel, accepts notice on behalf of respondent No. 2. The other respondents are officers of respondent No. 2, whose appointment is challenged by the petitioner. Respondent No. 2 is directed to ensure that copies of the writ petition are served upon them within one week from today, and to file an affidavit of compliance.
2. Learned counsel for the respondents take a preliminary objection



that the reliefs sought in this petition are within the jurisdiction of the Central Administrative Tribunal [“CAT”] under Section 14 of the Administrative Tribunals Act, 1985.

3. Mr. Pijush Kanti Roy, learned Senior Counsel for the petitioner, however, submits that the petitioner has already been compulsorily retired from the service of respondent No. 2 on 26.09.2024, and will, therefore, not be able to maintain a petition for these reliefs before CAT.

4. Without prejudice to the contentions of the respondents, they are permitted to file counter affidavits, taking this contention also, within four weeks from today.

5. Rejoinders thereto, if any, may be filed within two weeks thereafter.

6. Any further action taken by respondent No.2 pursuant to the impugned appointments will abide by the result of this petition.

7. List on 05.05.2025.

PRATEEK JALAN, J

JANUARY 14, 2025/MR/kb/