

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

Date of Order: March 09, 2018

+ **W.P.(C) 2144/2018 & CMs 8878-79/2018**

TARUN KUMAR GAURPetitioner

Through: Mr. Amit Chadha, Mr. RCS

Bhadoria and Mr. Atin Chadha, Advocates

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mrs. Latika Chaudhury, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In the first round of litigation, petitioner had approached Central Administrative Tribunal, New Delhi, which vide order of 1st June, 2017 had directed respondent to consider petitioner's case within a period of six weeks. Learned counsel for petitioner submits that third respondent had examined petitioner's Representation of 23rd May, 2017 and vide order of 18th August, 2017, said Representation has been rejected.

2. There is an office objection regarding maintainability of this petition. To overcome this office objection, an application has been filed. Learned counsel for petitioner submits that denial of re-employment is on the basis of a policy decision of 7th August, 2003 (*Annexure P-1*) and so, this writ petition deserves to be entertained to enable petitioner to assail the said policy decision (*Annexure P-1*).

3. To avoid approaching the Central Administrative Tribunal, New Delhi again, petitioner has not placed on record the order of 1st June, 2017 of the Central Administrative Tribunal, New Delhi as well as the order of 18th August, 2017 vide which petitioner's Representation has been rejected. Since petitioner had rightly approached the Central Administrative Tribunal, New Delhi, in the first instance, therefore, the order of 18th August, 2017 rejecting petitioner's Representation ought to be challenged before the Central Administrative Tribunal, New Delhi, which has jurisdiction to test the validity of the policy decision of 7th August, 2003 and is also empowered to look into validity of Circular of 21st July, 2017 (*Annexure P-9*).

4. In view of the aforesaid, this petition is disposed of with liberty to petitioner to avail of his rights against rejection of petitioner's Representation vide order of 18th August, 2017, before Central Administrative Tribunal, New Delhi.

5. With the aforesaid directions, this petition and the applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 09, 2018

v