



2026:DHC:4659-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7234/2026, CM APPL. 35404/2026, CM APPL.
35405/2026 & CM APPL. 35406/2026

DEVASHISH YADAVPetitioner

Through: Mr. Harsh Sharma, Adv.

versus

DIRECTOR INTELLIGENCE
BUREAU & ORS.Respondents

Through: Mr. Nishant Gautam, CGSC
Ms. Kavya Shukla, Mr. Vineet Negi and Mr.
Vibhav V. Nath Advs.

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

JUDGMENT (ORAL)
22.05.2026

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C. HARI SHANKAR J.

1. The prayer clause in this writ petition reads as under:

“It is therefore most respectfully prayed that in the light of facts and circumstances of the case and in view of the submissions and grounds made herein above, this Hon’ble Court may be pleased to:-

- i. Issue a writ of mandamus or any other appropriate writ directing the Respondents to declare the Seniority of the petitioner in pursuance of order dated 07.04.2025 passed by the Learned CAT(PB), New Delhi in O.A no. 327/2023 as annexure P-2 to the writ petition
- ii. Issue a writ in the nature of mandamus or any other appropriate writ directing the respondents to consider the candidature of the Petitioner for the post of DCIO (on ad-hoc basis)



as the Petitioner completes 3 years of regular service from 24.02.2022 as per Order dated 07.04.2025 passed by the Learned Tribunal (PB), New Delhi.

iii. Issue a writ in the nature of mandamus or any other appropriate writ directing the respondents to allow the petitioner to participate in Limited Departmental Competitive Examination (LDCE), 2026 as interim relief till the pendency of this writ petition.

iv Pass such other and further order /directions as this Hon'ble Court in the facts and circumstances of the case.”

2. Clearly, the grievance of the petitioner would not lie within the jurisdiction of this Court given the paragraph 93 of the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India*¹, unless the petitioner first exhausts the remedy available before the Central Administrative Tribunal².

3. The mere fact that the relief is predicated on an earlier order passed by the Tribunal, would not empower this Court to act as a Court of first instance in respect of a fresh cause of action.

4. Accordingly, this writ petition is dismissed for want of jurisdiction. This would not, however, impede the petitioner from moving the Tribunal by way of appropriate proceedings in accordance with law, if so advised.

5. At this juncture, Mr. Harsh Sharma, learned Counsel for the petitioner prays that in order to expedite matters this Court may transfer this writ petition to the Tribunal.

¹ (1997) 3 SCC 261



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6. Accordingly, we direct the Registry of this Court to transfer the record of this case to the Tribunal, which shall register it as a Transferred Application and proceed therewith in accordance with law.

7. Let the record be transferred within a week.

8. In order to expedite matters, the petitioner would appear before the Tribunal on 3 July 2026.

C.HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 22, 2026/ss

² “the Tribunal” hereinafter