

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19433 of 2008 (O&M)
Date of decision: October 13, 2015

Union of India and others

..... Petitioners

Raghubir Singh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Puneet Kumar Jindal, Sr. Advocate with
Ms. Shakshi, Advocate
for the petitioners.

Mr. Sandeep Kumar, Advocate
for respondents No.1 and 2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

M. JEYAPPAUL, J. (ORAL)

The 1st and 2nd respondent challenged Annexure A-5 dated 24.09.2004 and sought the same to be declared as illegal and in violation of Article 14 and 16 of the Constitution of India. They have also claimed the benefit of restructuring from 01.11.2003 on the basis of the seniority with all the consequential benefits.

Heard the submission made on either side.

The Tribunal having specifically referred to Para 4.6 of the order passed by the Ministry of Railways vide letter No.PC-III/2003/CRC/6 dated 06.01.2004 held that the 1st and 2nd respondent in spite of the fact that they had retired from service on 31.05.2004 and 30.06.2004 respectively are

entitled to the benefit of the above order issued on restructuring of Group 'C' and Group 'D' cadres.

In the present writ petition filed by the Union of India aggrieved by the above order passed by the Tribunal, it is contended that the Tribunal should have referred to paragraph 4.4 in conjunction with para 4.6 of the above order passed by the Ministry of Railways before taking a decision as to whether the 1st and 2nd respondents were entitled to promotion w.e.f. 01.11.2003.

As rightly pointed out by learned counsel appearing for the writ petitioner, it appears that the Tribunal, though referred to the above order passed by the Ministry of Railways, never adverted to paragraph 4.4 in conjunction with paragraph 4.6 of the above order which has direct bearing of the claim for promotion made by the 1st and 2nd respondents.

In view of above, the order passed by the Tribunal is set aside and the matter stands remanded to the Tribunal for passing a afresh order after giving opportunity to both sides to address arguments in the light of the paragraphs 4.4 and 4.6 of the said order passed by the Ministry of Railways.

Writ petition is disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(DARSHAN SINGH)
JUDGE

October 13, 2015
Dinesh Bansal