

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CWP No.16009 of 2015

Date of decision : 15.10.2015

**T.R.Bhatti, (Retd.) Superintendent Central Excise &
Customs, s/o Sh.Dhanna Ram, r/o H.I.G Flats 11-S.F, Raj
Guru Nagar, Ludhiana**

.....Petitioner

Versus

Union of India and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.HPS Ghuman, Advocate
for the petitioner.

Mr. P.C.Goel, Advocate
for respondent-UI.

M.JEYAPPAUL, J.

Heard the submissions made on either side.

The Tribunal disposed of Original Application No.1671/PB/2013 on 02.01.2014 granting the relief as prayed for by the writ petitioner on the basis of consensus expressed by counsel appearing on the either side in terms of the orders passed by it in Original Application No.338/PB/2012 titled as Balwinder Singh Matharoo and others Vs. Union of India decided on 03.08.2012. The respondents herein filed a Review Application seeking review of the order passed by the Tribunal on 02.01.2014. But, the Tribunal has passed the following cryptic order while disposing of the Review Application:-

“1. After hearing learned counsel for the parties, the Review Application is allowed.

2. The Original Application be listed for hearing afresh on 06.02.2015.”

When the Original Application was disposed of by the Tribunal based on the consensus expressed by both the parties, the Tribunal is not supposed to pass such a cryptic order allowing the Review Application itself. The Tribunal was supposed to give reasons for allowing the Review Application as the party who had got benefit out of the earlier order has a right to know what actually was the reason for setting aside the earlier order passed by the Tribunal in his favour. Further, the writ petitioner has challenged before this Court the above order passed by the Tribunal in the Review Application. We are also at loss to understand as to what was the reason which weighed in the mind of the learned Tribunal in allowing the Review Application.

For all these reasons, we set aside the order passed by the Tribunal in the Review Application no.17.RAO60/0053/14 & MAs 060/00472, 00 473/14 in O.A No.1671/PB/2013. The matter stands remanded to the Tribunal to pass an order afresh in the Review Application in the light of the above observations.

The writ petition stands disposed of accordingly.

(M.JEYAPPAUL)
(JUDGE)

(DARSHAN SINGH)
JUDGE)

October 15, 2015

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