

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.2081 of 2015 (O&M)

Date of Decision: 18.05.2015

Ranjit Singh

... Petitioner

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

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?

Present: None

SURYA KANT, J. (Oral)

(1) The case has been called twice. No one appears on behalf of the parties. We thus proceed to decide the same on merit.

(2) The petitioner approached the Central Administrative Tribunal, Chandigarh Bench (in short, 'the Tribunal') challenging Condition No.3 of his appointment letter dated 23.02.2011 whereby the benefit of service rendered by him in the Central Public Works Department towards seniority and consequential promotion in the present Department was declined.

(3) Learned counsel for the petitioner was heard at length on 09.02.2015 when this Court declined to interfere with the Tribunal's order to the extent of rejecting the above-mentioned claim. Since it was further urged that even in the absence of the benefit of past service towards seniority, the petitioner was

entitled to continue on the promotional post of Inspector, we called upon the respondents for the aforesaid limited purpose and meanwhile directed that if the petitioner was not promoted superseding any senior, he may be allowed to continue on the post of Inspector.

(4) Having gone through the record, it appears to us that the above-stated contention, namely, that the petitioner in any case is entitled to continue on the promotional post of Inspector was neither raised nor it has been obviously been dealt with by the Tribunal.

(5) To have the advantage of the viewpoint of learned Tribunal on this aspect of matter, we allow this writ petition in part; modify the order dated 20.01.2015 and remit the case to the Tribunal to consider and decide the limited question 'whether the petitioner is entitled to continue as Inspector even if the benefit of previous service towards seniority is declined to him?'

(6) Till the Tribunal decides the above-formulated issue, the interim order dated 09.02.2015 shall continue to operate.

(7) Parties are directed to appear before the Tribunal on 06.07.2015.

(Surya Kant)
Judge

18.05.2015
vishal shonkar

(P.B. Bajanthri)
Judge