

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CWP No.512 of 2014 (O&M)**

DATE OF DECISION: DECEMBER 18, 2015

UNION OF INDIA & ANR. ...PETITIONER

VERSUS

KALYAN SINGH & ORS. ...RESPONDENTS

2. **CWP No.4727 of 2014(O&M)**

UNION OF INDIA & ANR. ...PETITIONER

VERSUS

SATPAL SINGH & ORS. ...RESPONDENTS

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

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR. NAMIT KUMAR, ADVOCATE FOR THE PETITIONERS.
MR. JAGDEEP JASWAL, ADVOCATE FOR RESPONDENTS.

M. JEYAPPAUL, J.

CM-2367-2015

1. Heard.

2. For the reasons set out in the application, the writ petitioners are permitted to place on record additional affidavit alongwith Annexures P-13 to P-15.

Main Case

3. The Original Applications filed by the contesting respondents have been considered and disposed of by the learned Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal') on the 1st day of hearing beforever issuing notice to the respondents, of course, based on settled

principles governing the issues arising in the applications.

4. Learned counsel appearing for the writ petitioners would submit that the counsel who was present in the open Court took notice, but the Tribunal has observed that no notice was in fact necessary to be issued to the respondents.

5. In our considered view, the fair procedure of hearing in Original Applications filed by the aggrieved persons have not been properly adhered to by the learned Tribunal on the date of 1st hearing. Of course, the Tribunal has the authority to dismiss the application, if it finds that there is no *prima facie* case made out on the first date of hearing sans notice. But when the Tribunal has chosen to allow the Original Applications, it should have given a fair opportunity to the respondents to put forth their counter version.

6. On a careful perusal of the orders passed by the Tribunal, we find that no breathing time was given to the counsel who took notice in the open Court to get instructions from the respondents.

7. In view of the above, we find that the matter has to be remanded for fresh disposal after giving opportunity to the writ petitioners to put forth their effective plea against the claim made by the contesting respondents herein.

8. Therefore, the impugned orders passed by the learned Tribunal stand set aside. Both the matters are remanded to the Tribunal, who shall give sufficient opportunity to both the parties to put forth their respective claim and decide the matters afresh.

9. The matter be taken up by the learned Tribunal for hearing on 18.1.2016, on which date both the parties shall appear before it.

(M. JEYAPPAUL)
JUDGE

December 18, 2015
Gulati

(DARSHAN SINGH)
JUDGE