

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

**CM-8045-CWP-2015 in/and
RA-CW-288-2015 in
CWP-10939-2014**

**Chandigarh Govt. Colleges
Teachers Association
Versus
UOI & Ors.**

Date of Decision: 24.07.2015

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE JASPAL SINGH**

Present: Mr. SS Pathania, Advocate for the applicant

SURYA KANT, J. (Oral)

CM-8045-CWP-2015

For the reasons mentioned in the application, the same is allowed and the delay of 264 days in filing the review application is condoned.

CM stands disposed of.

RA-CW-288-2015

(1) Two Original Applications bearing No.53-CH of 2011 and No.459-CH of 2011 were filed before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') raising an *inter-se* seniority dispute amongst two sets of Lecturers working in Government Colleges of Arts and Science, Chandigarh. The matter was taken up by a Full Bench of the Tribunal who held that the *ad hoc* appointees would not gain seniority over and above the UPSC appointees.

(2) In the previous round of litigation this Court had held that the appointment of private respondents was in fact of regular

character and not *ad hoc*. On this premise, the Tribunal further held that the contention regarding not counting of *ad hoc* service towards seniority was thus misplaced as the seniority was assigned to the private respondents taking into consideration that they were appointed on regular basis. Both the OAs were thus dismissed.

(3) The applicants (in OA-53-CH of 2011) being aggrieved by the order of Tribunal came to this Court in CWP No.8989 of 2013 which was dismissed by a co-ordinate Bench vide a reasoned order dated 12.05.2014 (RA-2). Similarly, the Govt. Colleges Teachers Welfare Organization – the applicant in OA-459-CH of 2011 also filed CWP No.10939 of 2014 which came up for hearing before this Bench on August 8, 2014. Learned counsel for the parties agreed that point in issue stood answered against the writ-petitioners by an earlier decision of this Court in **CWP No.8989 of 2013 (Rajesh Kumar & Ors. vs. Union of India & Ors.)** dismissed on 12.05.2014. Admittedly no review application was filed or allowed in **Rajesh Kumar's** case.

(4) The instant writ petition was dismissed following **Rajesh Kumar** (supra) as the point in issue was identical as both the cases were decided by the Tribunal vide common order.

(5) In the light of the above-mentioned facts, the instant writ petition was rightly dismissed even if there was no consent given by counsel for the petitioner.

(6) No case thus is made out to review the order dated 08.08.2014.

(7) Dismissed.

(Surya Kant)
Judge

24.07.2015
vishal shonkar

(Jaspal Singh)
Judge