

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

Date of decision:24.2.2016

CWP No.13299 of 2013(O&M)

Dr. Harjit Singh & ors.		... Petitioners
	Versus	
Union of India & ors.		... Respondents

CWP No.23231 of 2014(O&M)

Dr. Harjit Singh & ors.		... Petitioners
	Versus	
Union of India & ors.		... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ishwar C. Garg, Advocate, for
Mr. SD Bansal, Advocate (in CWP No.13299 of 2013)
Mr. Rajiv Atma Ram, Sr. Advocate, with
Mr. Sube Sharma, Advocate (in CWP No.23231 of 2014)
for the petitioners.

Mr. Puneet Gupta, Advocate,
for respondents No. 1, 3 & 4.

Mr. Anil Rathee, Advocate,
for respondent No.2.

Mr. Ajaivir Singh, Advocate,
for respondent No.5 (in CWP No.23231 of 2014).

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of above cases bearing CWPs No. 13299 of 2013 and 23231 of 2014 as common questions of law and fact are involved in them which can conveniently be decided by a common order.

2. The Union of India has filed application [C.M. No.12775 of

2015 in CWP No.13299 of 2013 and C.M.12766 of 2015 in CWP No.23231 of 2014] through Mr. Puneet Gupta, Advocate, for dismissal of the petition for want of jurisdiction in this Court since the respondent Central Institute of Indian Languages is a Central Government Department and therefore, the jurisdiction will lie before the Central Administrative Tribunal exercising territorial jurisdiction over the cause of action and to adjudicate the *lis* in accordance with the provisions of the Administrative Tribunals Act, 1985.

3. In view of this legal position, Mr. Rajiv Atma Ram, learned Senior Counsel appearing for the petitioners in CWP No.23231 of 2014 prays that he may be permitted to withdraw this petition to file Original Application before the proper forum. The petitioners are allowed to do so with liberty, as prayed, to move the appropriate Central Administrative Tribunal within two weeks from the date of supply of the certified copy of this order. Since the petitioners have been pursuing this matter bona fide since 2013 in the High Court assuming jurisdiction in it, it is expected that the Tribunal would consider and decide the case on merits without permitting the respondents to plead defence of limitation prescribed under Section 21 of the Act on the same cause of action. Rather fairly Mr. Puneet Gupta also makes a statement to this effect.

4. It is clarified that this order will apply only to the period of pendency of the writ petitions in this Court which means if delay/ laches or limitations had set in prior to the date of filing of the writ petitions such antecedent period will be open to debate before the Tribunal and it would consider passing appropriate orders in case the plea of limitation is

raised for the period prior to approaching this Court.

5. The interim order issued by this Court on 9.4.2015 shall in the interest of justice continue for two weeks [counted from date of supply of order] within which time the Original Application may be filed, failing which limitation will start running again. Accordingly, both the petitions stand disposed of by relegating the petitioners to their remedy before the Tribunal.

(RAJIV NARAIN RAINA)
JUDGE

24.2.2016
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