

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.11315 of 2016 (O&M)
Date of decision: June 03, 2016.

Union of India and others

... **Petitioners**

v.

Ramesh Chandra Meena and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Satya Pal Jain, Additional Solicitor General of India with
Shri Namit Kumar, Senior Panel Counsel for UOI
for the petitioners.

Shri D.R. Sharma, Advocate for respondent No.1.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral):

Union of India and its authorities in the Ministry of Agriculture and Farmers Welfare have laid challenge to the orders dated 24.08.2015 and 21.03.2016 passed by Central Administrative Tribunal, Chandigarh Bench.

Vide the first order, the Tribunal stayed the transfer order of respondent No.1 from Chandigarh to Faridabad by recording the concession of Senior Standing Counsel of Union of India, till March 2016 so that “the education of his children should not suffer”. It may be mentioned here that

the Senior Central Government Standing Counsel accepted the notice in the Court and gave his consent to the above stated arrangement without obtaining instructions from the Department.

No sooner did the authorities came to know about Tribunal's order, they filed a review application which has been dismissed vide the second impugned order with costs of Rs.10,000/- after making adverse comments that the Department appears to be pursuing the matter unnecessarily through frivolous litigation.

We have heard learned counsel for the parties.

While nothing precludes the learned Tribunal in granting *ex parte ad interim* relief where a case for grant of such relief is made out but it appears that final disposal of a matter on mere concession of the Government counsel who has not been able to get instructions from the Department concerned, may not be followed as a routine practice. In exceptional circumstances, a Court or Tribunal can always mould the relief or issue directions without awaiting for the reply, if the cause of justice so requires. As the Department had no opportunity to explain the circumstances for transferring the first respondent from Chandigarh to Faridabad, it appears to us that the review application cannot be termed as a frivolous litigation. For the same reasons, the imposition of costs of Rs.10,000/- was also unwarranted.

We, thus, allow this writ petition in part and delete the adverse observations/remarks made in Paras 8 and 9 of the impugned order dated 21.03.2016 including the part whereby, costs of Rs.10,000/- was imposed.

However, the original order dated 24.08.2015 does not call for any

modification as respondent No.1 was allowed to continue at Chandigarh till 20.03.2016 and that term is already over.

Disposed of.

[Surya Kant]
Judge

June 03, 2016.
kadyan

[A.B. Chaudhari]
Judge