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

CWP No.16143 of 2015

Date of decision: May 11, 2016

Ram Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Ravinder Pal Singh, Advocate
for the petitioner.

Mr. R.T.S. Tulsi, Advocate
for respondents No.1 to 3.

Mr. Rohit Kumar, Advocate
for respondent No.4.

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?

SURYA KANT, J. (Oral)

The petitioner challenges the order dated 30.04.2015 whereby Central Administrative Tribunal ('CAT' for short), Chandigarh Bench, Chandigarh has dismissed his Original Application ('OA' for short). Following reliefs were sought by the petitioner in that OA:-

- i) Quashing of the order dated 10.07.2013,
- ii) Illegal denial of promotion to him on the post of Goods Guard though, he had qualified the competitive examination and persons with less marks were allegedly promoted and that

alternatively, he may be declared surplus and directed to be redeployed.

The CAT vide the impugned order has dismissed the OA primarily on two counts namely, (i) there is a delay of nearly 24 months “from the date of the order dated 23.03.2012 when the cause of action regarding promotion to the post of Goods Guard would have arisen” and that (ii) the petitioner has sought multiple reliefs in one OA.

Learned counsel for the petitioner submits that he confines his relief only qua promotion to the post of Goods Guard and since the said claim was finally rejected vide order dated 10.07.2013, the OA filed by him in March 2014 within one year, cannot be termed as barred by law of limitation.

Since the question of limitation has not been gone into by the CAT keeping in view the order dated 10.07.2013, it appears that the matter requires reconsideration by the CAT.

While we do not express any views on merits on the question of limitation or on the relief sought by the petitioner, we are of the considered view that the petitioner's claim qua promotion to the post of Goods Guard deserves to be re-adjudicated, of-course, without prejudice to the objections taken by the respondents that the claim is still barred by limitation or that he has not approached the CAT with clean hands.

For the reasons afore-stated, we set aside the impugned order dated 30.04.2015, render the case to CAT for fresh adjudication on the above stated issues. Parties are directed to appear before the CAT on 27.06.2016.

[SURYA KANT]
JUDGE

[A.B. CHAUDHARI]
JUDGE

May 11, 2016
mahavir