

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18883 of 2014
Date of decision: 27.09.2016

Raj Kumar Bhatia

....Petitioner

Versus

Central Administrative Tribunal and ors.

..Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present:- Mr. D.S. Patwalia, Senior Advocate with
Mr. Sehajbir Singh, Advocate for the petitioner.

Ms. Shubhra Singh, Addl. A.G., Haryana.

Mr. Yogesh Putney, Advocate,
for respondent No. 5.

AJAY KUMAR MITTAL, J. (ORAL)

1. Petitioner has approached this Court under Articles 226/227 of Constitution of India inter alia seeking writ in the nature of certiorari for quashing the order dated 29.05.2014 (Annexure P-4) whereby the miscellaneous application filed by the respondent No. 5, in the Original Application No. 153/HR/2013 which was already decided vide order dated 02.05.2013, has been allowed by respondent No. 1.

2. In view of the order we propose to pass on the basis of consensus between learned counsel for the parties, it would not be essential to delve into the factual matrix involved in the writ petition. Suffice it to notice that on 12.09.2014, the following order was passed:-

“Learned counsel for the petitioner *inter alia* submitted
that this Court in CWP No. 4891 of 2013 and other

connected cases, decided on 04.04.2014, while accepting the recommendations of the Select Committee dated 04.05.2011 had directed to consider the claim of appointment of Shri Birthal from the date his junior was recommended for appointment, which was only subject to the recommendation made by UPSC. It was urged that the said order was affirmed, when the Special Leave Petition (Civil) No. 11862 of 2014, was dismissed on 9th May, 2014 by the Apex Court.

Learned counsel for the petitioner further submitted that by way of Miscellaneous Application, filed in O.A. No. 153/HR/2013, the entire matter has been sought to be reopened by reconvening of the Departmental Promotion Committee, which is contrary to the orders passed by this Court on 4th April, 2014.

Notice of motion to the respondents for 23.09.2014.

Notice regarding stay.

Process dasti only.”

3. Thereafter on 11.02.2016, learned counsel for respondent No. 5 stated that he had instructions to submit that orders dated 02.05.2013 and 29.05.2014 be set aside and the matter may be remitted to Central Administrative Tribunal for deciding the original application in accordance with law.

4. Learned counsel for the petitioner submitted that the same would satisfy the petitioner.

5. Accordingly, we set aside the orders dated 02.05.2013 (Annexure P-4) and 29.05.2014 (Annexure P-15) passed by respondent No. 1 and remit the matter to the Central Administrative Tribunal to decide the same afresh in accordance with law after hearing the petitioner and respondent No. 5 and by passing a speaking order in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

27.09.2016
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Whether Speaking/Reasoned	:	Yes/No.
Whether Reportable	:	Yes/No.