

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

**CWP No. 22137 of 2015 (O&M)
DATE OF DECISION :- February 29, 2016**

Gurdeep Singh

...Petitioner

Versus

Central Administrative Tribunal, Chandigarh and others.

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. A.S. Syan, Advocate for the petitioner.

Mr. I.P.S. Doabia, Advocate for respondents 2 to 4.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

C.M. No. 2526 of 2016

Heard.

The application is allowed permitting the respondents 2 to 5 to place on record the reply.

CWP No. 22137 of 2015

1. The Writ Petitioner approached the learned Central Administrative Tribunal, Chandigarh Bench by filing O.A. No. 1039/PB of 2005 praying for reinstatement and regularization of his service on the plea that he has been engaged by the official respondents as Daily Wager Peon/Watchman right from the year 1994. The Tribunal chose to reject the plea for reinstatement and the regularization in service, observing that the appointment of the Writ Petitioner as a Peon/Watchman was not in accordance with the Rules to fill up any vacant sanctioned post.

2. The above order passed by the Tribunal on 9.10.2006 was put to challenge before this Court in CWP No. 2216-CAT-2007. This Court having adverted to the rival pleadings and considering the submissions made on either side directed the respondent department to re-examine the case of the petitioner keeping in mind their office order dated 5.3.2010. The order passed by the coordinate Bench of this Court on 20.3.2014 in CWP No. 2216-CAT-2007 would reflect that the above order was passed only based on the consensus expressed by the counsel on either side.

3. The department had taken a decision not to regularize the service of the Writ Petitioner through their internal communication dated 12.5.2014. The said internal communication had culminated in a formal decision that the case of the Writ Petitioner cannot be considered for regularization and the same was communicated to the Writ Petitioner on 7.8.2014.

4. The petitioner, being not satisfied with the approach of the department, rejecting his plea for reinstatement and regularization of his service filed Contempt Petition before this Court in COCP No. 1694 of 2014. This Court passed the following orders :

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“It is not in dispute that order of writ court has been complied with. Consequently, the instant petition is disposed of as having become infructuous with liberty to the petitioner to challenge the order so passed in case of his dissatisfaction against the same.”

5. Learned Single Judge of this Court has disposed of the Contempt Petition as infructuous, granting liberty to the petitioner to challenge the order passed by the department, if at all he is dissatisfied with the said order. Strangely enough, the Writ Petitioner, without approaching the learned Tribunal has challenged in the Writ Petition the order passed by the department declining his plea for regularization and reinstatement in service, the order passed by this Court under Annexure P6 dated 9.10.2006 which was already put to challenge before this Court and the internal communication as well as the official communication sent by the department to the Writ Petitioner declining his plea for regularization and reinstatement.

6. In our considered view, the Writ Petitioner may have a right to challenge the orders passed by the department under Annexure P9 and Annexure P10. But he cannot at all challenge those orders by way of filing fresh Writ Petition before this Court, when the Writ Petition already filed by the Writ Petitioner against the

original order passed by the Tribunal on 9.10.2006 and the Contempt Petition laid by the Writ Petitioner challenging the decision taken by the department were already disposed of by this Court.

7. For the above reasons, the Writ Petition stands dismissed with liberty to the Writ Petitioner to approach, if so advised, the learned Tribunal to challenge the orders passed by the department under Annexures P9 and P10.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ MOHAN SINGH)
JUDGE**

February 29, 2016
p.singh