

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22792-2016

Date of decision: 15.11.2016

Union of India and others

..... Petitioners

Versus

The Central Administrative Tribunal, Chandigarh Bench, Chandigarh and another

..... Respondents

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

PRESENT: Mr. Chetan Mittal, Senior Advocate with
Mr. Mohinder Singh Nain, Advocate and
Mr. Vikrant Pamboo, Advocate for the petitioners.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioners in the present writ petition filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Certiorari*, quashing the order dated 09.02.2016 (Annexure P-1) passed by respondent No. 1-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short 'the Tribunal') in OA No. 1626/HR/2013, filed by respondent No. 2-Pawan Kumar.

2. On instructions, learned counsel for the petitioners submitted that the petitioners are prepared to comply with the order dated 09.02.2016 (Annexure P-1) passed by the Tribunal whereby a direction was issued to regularize the services of respondent No. 2. Reference was made to the observations of the Tribunal in para No. 14 to urge that the Tribunal had

adjudicated the matter keeping in view the humanitarian grounds and in

such a situation it may not be treated as a precedent.

3. In other words, it was submitted by learned counsel for the petitioners that it may be clarified that the impugned order dated 09.02.2016 (Annexure P-1) passed by the Tribunal, shall only be effective in the case of respondent No. 2 and shall not act as a precedent for other cases.

4. After hearing learned counsel for the petitioners, perusing the averments made in the present petition and more particularly, keeping in view the facts and circumstances and also observations of the Tribunal in para 14, we dispose of the instant petition by clarifying that the petitioners shall implement the aforesaid order, however, it shall not be treated as a precedent for other cases and the same be decided individually on the facts and circumstances involved therein. It would be expedient to refer to the relevant observations noticed by the Tribunal in para 14 which are in following terms:-

“14. Even on humanitarian grounds, a person who has laboured with the respondent department for 27 years and who was No. 1 on the Seniority List of casual labourer for over twenty years could have been considered for regularization against posts that had been sanctioned to the Western Command in 2010 and 64 such posts were also sanctioned in January, 2015. More such posts would inevitably continue to be available due to natural wastage.”

5. At this stage, a prayer for extension of time has been made by learned counsel for the petitioners to comply with the directions issued by the Tribunal vide order dated 18.10.2016 (Annexure P-4) passed in CP

No. 060/00063/2016.

6. It is directed that the order dated 09.02.2016 (Annexure P-1) be complied with by 30.11.2016 and the attachment of salary in terms of order dated 18.10.2016 (Annexure P-4) shall be kept in abeyance till 30.11.2016, by the Tribunal.

**(AJAY KUMAR MITTAL)
JUDGE**

November 15, 2016
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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No