

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

CWP No. 27598 of 2013

DATE OF DECISION :- February 17, 2016

Ms. Anurag Pathak

...Petitioner

Versus

Union of India and others.

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. H.S. Saini, Advocate for the petitioner.

Mr. I.P.S. Doabia, Advocate for the respondents.

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.

1. The Writ Petitioner Ms. Anurag Pathak filed Original Application No. 861/CH/2011 before the Central Administrative Tribunal, Chandigarh Bench, belatedly. She also filed an application in MA 775 of 2011 along with Original Application No. 861/CH/2011 praying for condonation of delay in filing the original Application.

2. The learned Tribunal having heard the arguments in MA 775 of 2011 was pleased to dismiss the same on the ground that nine years of whopping delay was not properly explained with

supporting documents by the applicant.

3. The petitioner, aggrieved by the above order filed Review Application R.A. 78 of 2012 before the Tribunal praying for review of the order passed in MA 775 of 2011. In paragraph 5 of the order passed in the above Review Application, the learned Tribunal specifically observed as follows :-

“In the totality of the circumstances of the case, we find it a fit case for review of the relevant order and we order accordingly.”

4. The main case O.A. No. 861/CH/2011 was ordered to be listed for final hearing on 14.3.2013.

5. Learned counsel appearing for the petitioner submits that the Tribunal has again gone into the question of delay, while hearing the main Original Application, when the delay had in fact been condoned by virtue of the order passed by the Tribunal in the Review Application. In other words, it is his submission that the Tribunal should not have dismissed the Original Application 861/CH/2011 on the sole ground of delay which was already condoned by the learned Tribunal.

6. Learned counsel appearing for the respondents does not dispute the above factual scenario projected by the counsel appearing for the petitioner.

7. In our considered view, the Tribunal which has already gone into the question of delay and determined the said issue in the favour of the petitioner should not have raked up again the issue of

delay while hearing the main Original Application.

8. In view of the above, the matter stands remanded to the Tribunal for fresh determination of the dispute between the parties purely on merit and not on the point of limitation which was already determined by the Tribunal.

9. Both the parties shall appear before the Tribunal on 10.3.2016.

10. The Writ Petition is disposed of accordingly.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ MOHAN SINGH)
JUDGE**

February 17, 2016

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