

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

CWP No.4179 of 2016 (O&M)

Date of Decision: 16.03.2016

Sanjeev Kumar

... Petitioner

VS.

Administrator, Chandigarh Admn. & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. SS Pathania, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) This order shall dispose of CWP Nos.4179 & 4943 of 2016 as both the writ petitions have been filed by the petitioner challenging two separate orders passed by the Central Administration Tribunal, Chandigarh Bench (in short, 'the Tribunal) dated 08.09.2015 and 29.02.2016.

(2) Vide the first order dated 08.09.2015, the Tribunal has disposed of petitioner's Original Application in which he laid challenge to the order of his suspension. It is an admitted fact that during the pendency of the Original Application, the petitioner was reinstated without prejudice to the disciplinary action contemplated against him. The Tribunal has accordingly disposed of OA in a way as infructuous. The necessity to decide the petitioner's contention that he was placed under suspension by an incompetent authority did not arise in view of the intervening event, namely, his reinstatement.

(3) In the second writ petition, the Tribunal's order dated 29.02.2016 is under challenge whereby the petitioner's Original Application seeking quashing of the charge-sheet again on the same plea that the said charge-sheet was issued by an incompetent authority has been dismissed by the Tribunal on the ground that the charge-sheet was issued on 22.05.2014 and he chose to challenge the same after about 21 months on 17.02.2016. Meanwhile, it is undeniable that the enquiry proceedings have been taken to logical conclusion.

(4) It may be true that the Tribunal did not deem it appropriate to go into question of competence but having heard learned counsel for the petitioner, we are satisfied that no interference in the impugned orders is called for. We say so for the reason that the question of competence of the disciplinary authority can very well be taken by the petitioner as a defence in his reply to the show cause notice, if any, served on him. If such an objection is raised by the petitioner, the disciplinary authority shall be obligated to decide the same in accordance with law and by passing a reasoned order.

(5) Disposed of.

(Surya Kant)
Judge

16.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge