

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5506-CAT of 2016
Date of Decision:-22.3.2016.

Gurdeep Singh Jolly

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. V.K. Sharma, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) The petitioner had earlier filed OA No.452/PB/2010 which was allowed by the Central Administrative Tribunal, Chandigarh Bench vide order dated 7.10.2011 with a direction to the respondent-Authorities to consider the claim of the applicant for promotion to the post of Chief Workshop Superintendent.

2.) The petitioner filed execution application before the Tribunal alleging that due benefits emanating from the above stated order have not been granted to him. The Tribunal has however vide impugned order dated 4.11.2015 disposed of the execution application filed by the petitioner as having been satisfied, after

observing that the petitioner was not given promotion in the erstwhile organization CEDIT as he was lacking the qualification and that he cannot claim promotion as a matter of right in the respondent-organization where qualification of Bachelors' degree is necessary for promotion to the higher post.

3.) The aggrieved petitioner has laid challenge to the above stated order. It is urged by his learned counsel that instead of releasing the benefits in terms of the previous order passed by Tribunal, an order of recovery has been passed against him and he has been declared ineligible for further promotion. In our considered view, if the petitioner is aggrieved by the above stated subsequent action of the authorities, the appropriate recourse for him is to file a fresh petition before the Tribunal and establish his claim in accordance with law. With liberty aforementioned, we decline to interfere with the impugned order passed by the Tribunal.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 22, 2016.

sandeep sethi