

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.19076 of 2014
Date of decision:28.08.2017

Chand Kailash

... Petitioner

Vs.

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Dhiraj Chawla, Advocate
for the petitioner.

Mr. Namit Kumar, Advocate
for respondents No.1 to 3.

AJAY KUMAR MITTAL J. (ORAL)

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India, challenging the order dated 05.03.2014 (Annexure P-4) passed by the Central Administrative Tribunal (hereinafter referred to “the Tribunal”), whereby, the respondents were directed to reconsider the matter regarding the inclusion of the category of the driver as feeder category for promotion to the post of the Postal Assistant/Sorting Assistant.

2. However, it was stated by learned counsel for the petitioner that alongwith the written statement, the respondents have appended the letter/communication dated 24.09.2014 (Annexure R-1) which has been addressed to the Assistant Postmaster General (Staff), CPMG, Punjab

Circle, Chandigarh to say that the drivers were omitted as the feeder cadre of Postal Assistant/Sorting Assistants in the Recruitment Rules of 2011 after due deliberation and consideration in the department, with the approval of Ministry of Law & Justice, Legislative Department and not because of any oversight. Further, it was submitted that the said communication is required to be challenged by filing Original Application (OA) before the Tribunal. Accordingly, a prayer was made by learned counsel for the petitioner to withdraw the present writ petition with liberty to file OA before the Tribunal alongwith an application seeking condonation of delay, if any, under the Administrative Tribunals Act, 1985.

3. Dismissed as withdrawn.

4. However, it shall be open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

August 28, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No