

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

CWP No.25112 of 2016 (O&M)

Date of Decision:15.09.2017

Sudhir and others

... Petitioners

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : None for the petitioners.

Mr. P.K. Longia, Advocate for the UOI-respondents.

P.B. BAJANTHRI J. (Oral)

C.M. No.13193 of 2017

The application is allowed as prayed for. Filing of certified and typed copies of documents Annexures R-1 to R-3 is exempted subject to all just exceptions.

C.M. No.13194 of 2017

The application is allowed as prayed for. Documents Annexure R-1 to R-3 are taken on record subject to all just exceptions.

C.M. No.13195 of 2017

Heard the application for modification/recalling of order dated 8.8.2017.

Reasons assigned for recalling the order reads as under:

“3. That the matter was listed on 8.8.2017 for hearing and the counsel for respondents-UOI brought this fact to the notice of the Hon'ble Court, but because the order dated 7.7.2017 was not provided to him, therefore, the Hon'ble Court has imposed costs of Rs.5000/- on the second respondent. A copy of the order dated 8.8.2017 is being annexed herewith as Annexure R-2.”

The reason stated by the respondent in the civil miscellaneous application is contrary to the order dated 8.8.2017 to the extent that cost of Rs.5000/- has been imposed for non compliance of the order dated 5.12.2016 and 21.2.2017. On 5.12.2016, the respondents were directed to

file a short reply as to why the selection process relating to Head Constable (Telecom-2014) in the ITBP is cancelled be made know in the reply/affidavit.

Learned counsel for the respondent-UOI submitted that they had approached the Supreme Court for transferring the present case.

Respondent-UOI could have apprised this Court for not comply order dated 5.12.2016 and 21.2.2017 in the month of February 2017. Even on 8.8.2017, the respondents-UOI have not apprised this Court that they have approached the Supreme Court for transferring the present case.

In view of these facts and circumstances, respondent-UOI has not made out a case to recall the order dated 8.8.2017.

Accordingly, application stands dismissed.

At this stage, learned counsel for the respondents-UOI submitted that the Supreme Court has transferred the present writ petition to Delhi High Court. The same would not come in the way of deciding the present application.

Main case

In view of the statement made by the learned counsel for the respondents-UOI that the Supreme Court has transferred the present writ petition to Delhi High Court vide order dated 25.08.2017 passed in Transfer Petition (Civil) No (s).979-980 of 2017, Registry is directed to take note of the same and do the needful.

15.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**