

CWP No.25311 of 2017

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

**CWP No.25311 of 2017
Date of decision:07.11.2017**

Anil Sehgal

... Petitioner

Vs.

Union of India and others

... Respondents

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

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 07.09.2016 (Annexure P-1) passed by Central Administrative Tribunal, Chandigarh Bench, (for short "CAT") whereby, OA No.060/00802/2015 filed by the petitioner has been dismissed and further for setting aside the order dated 09.01.2017 (Annexure P-2) passed by CAT, vide which review application bearing No.060/00063 in aforesaid O.A seeking review of order dated 07.09.2016 (Annexure P-1), has been dismissed. Additionally, a prayer was also made for quashing of order dated 05.11.2014 (Annexure P-3) which has been upheld by the Tribunal.

2. Learned counsel for the petitioner submitted that the Tribunal had relied upon the instructions of 1958 which are contrary to Rule 14(18) of Central Civil Services (Classification, Control and Appeal) Rules, 1965 and Rule 9 of Central Civil Services (Pension) Rules, 1972. It was urged that the said plea was raised before the Tribunal but the same has neither been dealt in the order dated 07.09.2016 (Annexure P-1) dismissing the O.A nor in order dated 09.01.2017 (Annexure P-2) passed in Review Application. Accordingly, a prayer was made that he may be allowed to withdraw the present writ petition with liberty to the petitioner to approach the Tribunal by moving a specific application to point out the same before it.

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 Dismissed as withdrawn.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

November 07, 2017
savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No