

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9923-CAT-2017

Date of Decision: May 11, 2017

Union of India and others

.....Petitioners

Versus

Central Administrative Tribunal and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Arun Gosain, Advocate
for the petitioner.

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SURYA KANT, J.

One of the contentions raised in this writ petition challenging the order, dated 12.02.2016, passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, 'the Tribunal') is that the Tribunal has proceeded to accept the claim of the respondent on the premise that he was re-appointed by way of direct recruitment on the post of 'Superintendent Grade-I' vide order dated 02.02.1993 or that in the year 1996 his original post of Superintendent Grade-II as well as the newly appointed post of Superintendent Grade-I was merged and designated as Junior Engineer. Factually, it is averred that re-appointment of the respondent by way of direct recruitment was on the post of Surveyor Assistant Grade-I and not on the post of Superintendent Grade-I. It is, thus,

urged that para 5.2 of the ACP Scheme (Annexure -1 attached with Annexure A-5)) will not be applicable.

[2] We, however, find from the record that no such specific plea was raised before the Tribunal though in the written statement it is averred that the respondent was appointed on the post of S.A. Grade-I. Faced with this, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to approach the Tribunal by way of review application.

[3] Ordered accordingly.

[4] It is directed that in case such an application is filed within two weeks from the date of receipt of a certified copy of this order, learned Tribunal may consider the question sought to be raised.

[5] It is further pointed out that contempt proceedings are listed before the Tribunal on 15.05.2017. Suffice it to observe that the petitioner-authorities may file an undertaking before the Tribunal on the date fixed that the order dated 12.02.2016 shall be complied with in a time bound manner subject to outcome of the review application proposed to be filed.

[6] Writ petition stands disposed of.

(SURYA KANT)
JUDGE

May 11, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |