

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 1096 of 2018 (O&M)
Date of Decision : 19.01.2018

Bharat Sanchar Nigam Limited and another

....Petitioner(s)

Versus

Central Administrative Tribunal, Chandigarh and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT

Present : Mr. Anil Rathee, Advocate for petitioners

MAHESH GROVER, J.(ORAL)

The petitioner has impugned the order of Tribunal dated 24.11.2017 (Annexure P-8). A perusal thereof reveals that the learned Tribunal noticed that the committee has been constituted to address the issues raised by the applicant and thereafter it accepted the plea of the applicant to direct the committee to expedite the proceedings to mandate the conclusion of the proceedings within a period of four weeks failing which the Tribunal would be compelled to summon the AGM(legal) to explain the reasons for non-compliance of the directions of the Court given at an earlier point of time which we may extract herebelow:-

“14. Consequently in order to balance the equities so that neither promotees of seniority quota nor promotees of LDCE quota suffer nor functioning of official respondents is

hampered due to stalling of promotion under both the quotas, necessary directions are being issued. Official respondents have already filed an interim application in Hon'ble High Court of Kerala for vacation of interim status quo order. They may pursue the ne sincerely in Hon'ble High Court for expeditious disposal thereof for vacation or suitable modification of interim status quo order or for early final disposal of the writ petition itself by Hon'ble High Court of Kerala so that promotions under seniority quota may also be made without delay.

15. In addition to the aforesaid, it is directed that promotions under LDCE quota for 2010-11 or even for subsequent years shall be made only after making of proposed amendment in RRs relating to inter-se-seniority of promotees under both the quotas to be applicable from the vacancy year 2009-10 onwards as mentioned above. In the promotion orders also, condition shall be incorporated regarding inter-se-seniority of promotees of both the quotas on the lines states in affidavit dated 19.9.2016 and information dated 21.9.2016 as mentioned above and undertaking to the same effect shall also be taken from the promotees of LDCE quota. Those refusing to give

any such undertaking may not be promoted. In this manner, interests of promotees of both the quotas will be safeguarded and neither seniority quota promotees nor LDCE quota promotees shall suffer and official respondents shall also be able to function smoothly by making promotions under LDCE quota. It is also directed that as and when interim status quo order is vacated or modified or writ petition is finally disposed by Hon'ble High Court of Kerala, promotion under seniority quota shall be made expeditiously. The O.A stands disposed of accordingly with no order as to costs.”

Before us while questioning the order of the Tribunal dated 18.10.2016 no meaningful arguments have been advanced. Rather what has been projected before this Court is the complete inability to execute the directions of the Court extracted above.

This to our opinion is a completely frivolous plea and the filing of the petition itself is a sheer abuse of the process of law which has resulted in wastage of the time of the Court. It is for the petitioners who have constituted a committee pursuant to the directions of the Tribunal given at an earlier point of time to take a decision on the controversy and if they are unable to do so where there was an occasion to formulate a committee for this purpose. Even otherwise assuming that they are unable to carry out the directions of the Court the reasons thereof should have been put before the Tribunal in a straight forward manner. We are thus of the opinion that the

present petition being completely an abuse of the process of law resulting in

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wastage of the time of the Court needs to be dismissed with a costs of Rs.25,000/-.

Ordered accordingly.

The costs imposed be deposited in the account of Punjab and Haryana High Court Employees Welfare Association within a period of one month from today.

(Mahesh Grover)
Judge

19.01.2018	
rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

(Rajbir Sehrawat)
Judge