

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11540 of 2018.

Date of Decision: May 08, 2018

Chandigarh Administration, Chandigarh

.....Petitioner

versus

Charanjit Singh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Sanjeev Sharma, Senior Advocate with
Mr.Aseem Rai, Advocate, for the petitioner.
Mr.Rohit Seth, Advocate, for the caveator-respondent No.1.

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Surya Kant, J. (Oral)

Notice of motion.

1st respondent is on caveat and Mr.Rohit Seth, Advocate
accepts notice on his behalf.

Heard learned counsel for the parties.

[2] The instant writ petition has been preferred by Chandigarh
Administration against the interlocutory orders dated 12.02.2018 and
02.04.2018 passed by the Central Administration Tribunal, Chandigarh
Bench in the Original Application filed by respondent No.1. Vide para
No.17 of the order dated 12.02.18 (P-3), the Tribunal has issued the
following directions:-

“... 17. In the light of the aforesaid prismatic reasons, and
without commenting further anything on merits, lest it may
prejudice case of either side, during the course of final
hearing of the main OA, the operation of the impugned order
dated 22.01.2018 (Annexure A-1), is hereby stayed, in the
obtaining circumstances of the case, subject to any adverse
decision to be taken by the CVC, in this relevant connection.

As a consequence thereof, the competent authority is directed to complete the process of promotion of the applicant to the post of DSP forthwith....”

[3] It is stated by learned senior counsel for UT Administration that a special messenger was sent on 30.04.2018 to Central Vigilance Commission (CVC) for obtaining their view-point in the matter of disciplinary action against respondent No.1 which had been earlier closed by the Administration. It is jointly stated by learned counsel for the parties that the report from CVC is likely to be received within this week.

[4] In this view of the matter, it appears that the learned Tribunal ought not to have directed to process the case for promotion of respondent No.1 without awaiting for the view-point of CVC. The directions contained in para No.17 of the order dated 12.02.2018 to that extent are stayed/modified. However, as soon as the report from CVC is received and if there is nothing adverse against respondent No.1, there appears to be no rhyme or reason for not opening the sealed cover in accordance with Rules/Policy. It is thus directed that the case of 1st respondent for promotion shall be considered after receiving the report from CVC forthwith but not later than two weeks from 14.05.2018, i.e., the day when CVO, who is stated to be on ex-India leave, would return and resume duties.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

May 08, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**