

Sr.No.223
IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP NO.23863 OF 2017(O&M)

Date of Decision: 01.02.2018

Union of IndiaPetitioner

versus

Central Administrative Tribunal, Chandigarh and anr.Respondents

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

Present Mr.RTPS Tulsi, Advocate
with Mr. Abhey K. Sharma and
Mr. Lakhinder Bir Singh, Advocates for the petitioner.
Mr.K.B.Sharma, Advocate for respondent no.2.

MAHESH GROVER, J(ORAL)

The petitioner has approached this Court with a grievance that the Tribunal has granted interim order contrary to the statutory provisions of the law as interpreted in 23.10.2017 i.e ***(a) R.S. Doon vs. Central Administrative Tribunal, Chandigarh, 2001(3) SCT 152, the Full Bench judgment of the Madras High Court in (b) S. Kanthasamy vs. Tamil Nadu Rural Development Panchayat Union Employees Association, 2000(4) SCT 904 and the Division Bench judgments of the Andhra Pradesh High Court in (c) B. Nageswara Rao and others vs. Governmnet of Andhra Pradesh and others, 2006(5) SLR 624 and (d) K. Seshasaila Prabhu vs. Government of Andhra Pradesh, 2001(4) SCT 986.*** This Court while issuing notice of motion had directed the Tribunal to decide the application for vacation of interim stay on the date fixed but instead of doing so it has heard the main case and disposed it of.

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Learned counsel for the petitioner contends that such interim orders are being passed by the Tribunal repeatedly contrary to the afore-stated law. Heard. If the main petition itself has been decided then the cause espoused in the present petition against an interim order does not survive at all and therefore, we deem it appropriate to dispose of the petition with a direction that these judgments be kept in mind by the Tribunal for future while dealing with interim orders.

(MAHESH GROVER)
JUDGE

01.02.2018
mamta

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No