

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6599-2016

Date of Decision: August 30, 2018

Dr.Balwinderjit Singh

.....Petitioner

Versus

Central Administrative Tribunal, Chandigarh and others

.....Respondents

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

Present: Mr.Subhash Kumar, Advocate for the petitioner.

Mr.Adarsh Malik, Advocate for the respondents.

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SURYA KANT, J.(ORAL)

The petitioner laid challenge to the selection of respondent Nos.5 and 6 before the Central Administrative Tribunal (for brevity,'the Tribunal') on the posts of 'Medical Specialists Grade-II' in Employees State Insurance Corporation. The Tribunal dismissed the OA vide impugned order dated 03.02.2016 on the ground of delay of 6 years and 150 days. It is undeniable that the selection was finalised on 31.08.2009 whereas the petitioner filed the OA in year 2016.

[2] Learned counsel for the petitioner strenuously urges that the Tribunal ought to have condoned the delay keeping in view the fact that some other judicial proceedings pertaining to the same selection were decided by this Court on 28.11.2015 and soon thereafter the petitioner filed the OA. We are, however, not impressed by the submission. The petitioner

though it pertained to the same selection. He cannot take advantage of pendency of those proceedings for the condonation of delay in filing his own OA.

[3] Be that as it may, learned counsel for the petitioner submits that one post remained unfilled and the petitioner is entitled to be considered against the same. He seeks to withdraw the writ petition so as to make a comprehensive representation to the Competent Authority to consider his claim sympathetically for appointment against the vacant post without disturbing the other selected candidates.

[4] The writ petition is disposed of as withdrawn with liberty to the petitioner to pursue the said representation.

(SURYA KANT)
JUDGE

August 30, 2018
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(SUDIP AHLUWALIA)
JUDGE

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