

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.4735 of 2018
Date of Decision :09.07.2018**

Union of India and others

.....Petitioners

Versus

MES No.369792 Surinder Kumar and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Namit Kumar, Advocate for the petitioners.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

The petitioner-Union of India has approached this Court challenging the order dated 28.11.2017 (Annexure P-3), passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh striking off the defence of the petitioners in OA No.60/00231/2017. The defence was struck off when the petitioner- Union of India, despite opportunities, failed to file reply and deposit the costs of Rs.5,000/-

Learned counsel for the petitioners states that in pursuance to the order dated 07.03.2018, passed by this Court, an inquiry was initiated against the officer responsible for not filing the reply and paying the costs in terms of the order of the Tribunal. The inquiry report has been placed before us. Penalty has also been imposed by the department upon the erring officials. Further, a copy of the written statement proposed to be filed has also been placed on record of this case. Accordingly, it is urged

that in the event the petitioners are not granted one last opportunity to file the written statement and contest the proceedings, they shall suffer an irreparable loss.

In the wake of the above, the writ petition is allowed. The impugned order dated 28.11.2017 (Annexure P-3), striking off the defence is set aside. The petitioner-Union of India, shall be permitted to file the written statement before the Central Administrative Tribunal, subject to the payment of costs of Rs.15,000/- to be paid to the applicants of the original application-respondents herein, to be shared equally.

For, the petition has been disposed of without issuing any formal notice to the respondents to avoid any further delay, their right to seek modification/clarification of the order passed hereinabove is kept reserved.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

09.07.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No