

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

CWP No.6143 of 2018

Date of Decision : 01.05.2018

State of Haryana

....Petitioner

Versus

D.N.Taneja and others

....Respondents

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

...

Present: Mr.Samrath Sagar, Addl.A.G., Haryana
for the petitioner.

...

MAHESH GROVER, J. (Oral)

The present petition has been filed with a prayer to set aside the orders Annexures P-2 and P-3 which are merely interim proceedings before the Central Administrative Tribunal, Chandigarh requiring the petitioner to comply with its earlier order dated 21.03.2011.

The petitioner contends that against the order dated 21.03.2011 an application has been moved before the Tribunal to bring to its notice facts that have rendered the order dated 21.03.2011 incapable of being executed.

During the threadbare hearing of the matter, it has been brought to our notice that the dispute is inter se between two incumbents, namely Mr. D.N.Taneja, who was the initiator of

proceedings in OA No.472-HR-2010 and one Mr. K.L.Manhas, who stood promoted providing a grievance to Mr. Taneja, who laid a preferential claim to the promotion.

The Tribunal accepted the plea of Mr. Taneja as Mr. Manhas was facing inquiry proceedings and gave its reasons by virtue of order dated 21.03.2011. This order was challenged unsuccessfully before this Court and eventually the matter was taken to the Hon'ble Supreme Court and during this interregnum Mr. Manhas attained the age of superannuation. The Hon'ble Supreme Court then passed the following order :-

“Heard. It is stated by Mr.Mahabir Singh, learned senior counsel appearing for the petitioner, that the petitioner has since retired. In view of this development, we are of the view that no further proceedings resulting in depriving of any benefit which stands already given to the petitioner should be continued. Ordered accordingly. The special leave petition stands disposed of accordingly. Pending applications, if any, shall also stand disposed of.”

Evidently, the findings of the Tribunal and the order of this Court were not adversely commented upon in any manner.

Mr. Manhas, on the other hand, initiated proceedings before the Central Administrative Tribunal Principal Bench, New Delhi questioning the inquiry proceedings against him which challenge was accepted and when the State questioned it before the

Delhi High Court it met with a negation.

Learned counsel for the petitioner now contends that in view of the fact that the Hon'ble Supreme Court did not upset the promotion of Mr. Manhas, there would be no occasion to promote Mr. Taneja in terms of the directions of the Tribunal once this post had been consumed. For the purposes of reference, we may extract the relevant portion of the order dated 21.03.2011 of the Tribunal as under :-

“... In view of our findings in the foregoing paras of this judgment and in view of the fact of his superannuation w.e.f.30.9.2010 applicant Shri Taneja has to be considered for substitution in place of applicant Shri Manhas in toto. If promoted, he shall be granted notional placement in the posts aforementioned and be given the arrears that shall become due to him on account of such placement on re-fixation of pay and pension etc. within a period of three months from the date of this order.”

It is this direction which is sought to be enforced by the Tribunal.

The petitioner's only defence is that in view of the facts and circumstances detailed above, the order and the direction of the Tribunal are incapable of being executed.

We are of the opinion that as long as the order of the Tribunal in Mr. Taneja's case as upheld by the High Court subsists, the petitioner would have absolutely no reason to keep the execution of

the orders in abeyance on the reasons that have been pleaded before us. We, therefore, decline interference and leave the petitioner to its remedies in law.

Dismissed.

(MAHESH GROVER)
JUDGE

01.05.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

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