

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

Civil Writ Petition No.834 of 2019

Date of decision: January 15, 2019

Union of India and others

...Petitioners

Versus

The Central Administrative Tribunal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Prateek Mahajan, Advocate
for the petitioners.

HARINDER SINGH SIDHU, J.

The Union of India and others have filed the present writ petition laying challenge to the order dated 18.04.2018 of the Central Administrative Tribunal, Chandigarh Bench in M.A. No.63/1569/2017 in O.A. No.63/1220/2017, whereby, the application for condonation of delay filed by the respondents No.2 to 5 has been allowed.

Respondents No.2 to 5 filed the Original Application before the Tribunal with the averments they were initially engaged as Frash/Sweeper by the Central Excise Division, Amritsar. They had earlier filed Original Application No.595/PB/2004 seeking benefit of the judgment of the Tribunal in OA No.800/CH/2001 titled "Kiran Pal and others vs. Union of India and others". That OA was disposed of vide order dated 18.10.2005 in terms of Kiran Pal's case. The Department filed CWP No.12472-CAT of 2006 titled as 'Union of India and others Vs. Ramesh

Singh and another', which was allowed on 02.12.2009. Thereafter, their services along with services of other similarly situated employees were terminated in December, 2009 by an oral order. The employees filed SLP, which was allowed. The department was directed to reconsider the case of the employees including respondents No.2 to 5 for regularization in accordance with law. It was directed to pass a speaking order, if such regularization could not be granted. Pursuant thereto, speaking order dated 17.06.2013 was passed declining their prayer for regularization. It was this order, which was challenged in the Original Application along with an application for condonation of delay of 1197 days in filing the application. The application has been allowed. The petitioners are aggrieved of the order of the Tribunal condoning the delay in filing the OA.

The Tribunal has noticed that the common impugned order dated 17.06.2013 rejecting the claim for regularization was challenged before the Tribunal in OA No.931/PB/2013. The said OA was allowed vide order dated 10.09.2014. The order dated 17.06.2013 was set aside qua the applicants therein. It was only in the case of Ramesh Chand that a writ petition was filed assailing the order. With regard to another applicant the order was implemented. Later in the case of Ramesh Chand also the order was implemented. Thereby the judgment and order of the Tribunal in OA No.931/PB/2013 whereby it had quashed the order declining regularization, has attained finality qua the applicants therein. As the respondents were similarly situated, they filed the OA along with the application for condonation of delay. Holding that once the common order has been set

aside by the Tribunal and it has attained finality, respondents No.2 to 5, who were similarly situated could not be deprived of the same relief, the learned Tribunal has condoned the delay.

There appears to be no illegality in the aforesaid order. Respondents No.2 to 5 belong to the weakest section of society. They have been litigating for regularization since long. They had knocked the doors of Hon'ble Supreme Court in the earlier round of litigation. Similarly situated employees have been granted the benefit of regularisation. The Tribunal rightly condoned the delay in filing the Original Application.

Accordingly, this petition is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 15, 2019
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No