

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

LPA-828-2020 (O&M)

Date of Decision: 23.11.2020

Sukhpreet Singh Sidhu and others

... Appellants

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present : Ms. Madhu Dayal, Advocate
for the appellants.

Mr. Satya Pal Jain, Addl. Solicitor General with
Mr. Namit Kumar, Advocate
for respondent No.1/Union of India.

Ms. Alka Chatrath, Advocate for respondent No.2/UPSC.
Ms. Anu Chatrath, Addl. A.G. Punjab
for respondents No.3 and 4.

Mr. Gurminder Singh, Sr. Advocate with
Ms. Harpriya Khaneka, Advocate
for respondents No.8, 11 and 14.
Mr. Kamaldeep Sidhu, Advocate for respondent No.5.
Ms. Gurnoor Sandhu, Advocate.

AJAY TEWARI, J. (Oral)

1. This appeal has been filed against the decision of the learned Single Judge dismissing the Civil Writ Petition No.15411-2020 filed by the appellants.

2. It is common ground before us that this matter falls within the exclusive jurisdiction of Central Administrative Tribunal as per the provisions of Administrative Tribunal Act, 1985 (for short "the Act").

3. Learned counsel appearing for the appellants has strenuously

argued that notwithstanding the fact that the appellants had remedy under the Act yet since the learned Single Judge assumed jurisdiction, this Court should interfere in an intra-court appeal and at the very least even if the appellants have to be relegated to the remedy of filing of an Original Application under the Act, interim protection should be granted till such time as the appellants file the application.

4. Learned counsel for the respondent (s) have equally strenuously opposed the prayer for interim relief.

5. After hearing learned counsel for the parties, it has been agreed that the applicants shall ensure that a properly drafted Original Application (complete in all respect and free from any filing defects) shall be filed before the Central Administrative Tribunal on or before 26.11.2020 with an advance copy to the learned counsel for the respondents so that the learned counsel for the respondent (s) are able to complete their pleadings and should hand over copies of their pleadings to the learned counsel for the applicants-appellants and place on record before the Tribunal in time.

6. In case, the above conditions are met, the Central Administrative Tribunal, Chandigarh, is requested to take up the matter on next working day.

7. Learned counsel appearing for the respondent (s) have undertaken that they would appear before the Central Administrative Tribunal, Chandigarh Bench on next working day so that learned Tribunal can consider the issue on interim relief and pass appropriate orders thereon. It is reiterated that since we have held that the very petition before this Court was not maintainable, the judgment of the learned Single is set aside on that ground.

8. This appeal is, accordingly, disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

23.11.2020
rajeev

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