

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.6970 of 2020 (O&M)

Satish Kumar

...Petitioner

Versus

Director General of Defence Estates and another

...Respondents

CWP No.3420 of 2020

Satish Kumar

...Petitioner

Versus

Director General of Defence Estates and others

...Respondents

Date of decision: 13.01.2021

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Bal, Senior Advocate with
Ms. Mandeep Madahar, Advocate for the petitioner(s).

Mr. Rajneesh Shelly, Advocate for respondents No.1,2 & 4
in CWP No.3420 of 2020.

Mr. Anil Chawla, Advocate for respondent/UOI
in CWP No.6970 of 2020.

Mr. Tribhuvan Dahiya, Advocate for private respondents.

Harsimran Singh Sethi, J. (Oral)

CM Nos.12 and 13-CWP of 2021

As prayed for, the applications are allowed.

CM No.10577-CWP of 2020

The application is disposed of having been rendered infructuous.

Main case

By this Common order, the above mentioned two writ petitions, which involve the same question of law are being disposed of.

For the purpose of this order, the facts are being taken from CWP No.6970 of 2020.

In the present writ petition, the prayer of the petitioner is for issuance of a writ in the nature of mandamus directing the respondents to offer the petitioner appointment to the post of Chief Executive Officer (Group-B) in the respondent-Cantonment Board on the ground that the petitioner is next in the merit in respect of the post advertised. As per the petitioner, three posts were advertised in the quota under which the petitioner's claim for appointment was considered and the petitioner was at No.4 in the merit list and as the candidate, who was at No.1 in the merit list did not join, the petitioner has a rightful claim for appointment against the said unfilled vacancy.

A preliminary objection has been raised by the respondents that the present writ petition is not maintainable before this Court and the jurisdiction to entertain the grievance of the petitioner as raised in the present writ petition lies before the Central Administrative Tribunal.

Learned Senior counsel appearing for the petitioner submits that as the jurisdiction of this Court is being questioned and according to the respondents, the jurisdiction is with the Central Administrative Tribunal, the petitioner does not want to enter into an issue on this aspect with the respondents and, therefore, the petitioner will have no objection in case, the

petitioner is relegated before the Central Administrative Tribunal for the redressal of his grievance as raised in the present writ petition.

Learned Senior counsel appearing for the petitioner submits that as the present case is of appointment and in the interregnum the respondents have already advertised the post, which is being claimed by the petitioner for appointment, the prayer of the petitioner is that the pleadings already pending before this Court be transferred to the Central Administrative Tribunal, Chandigarh Bench for adjudication as filing of the fresh pleadings before the Central Administrative Tribunal, Chandigarh Bench again will waste the precious time of the Central Administrative Tribunal as the same pleadings will be filed again.

Learned counsels appearing for the respondents raises no objection to the said proposal raised on behalf of the petitioner.

Keeping in view the above, the prayer of the petitioner to allow him to avail the remedy before the Central Administrative Tribunal, Chandigarh Bench is allowed. Complete paperbooks of both these petitions be sent to the Central Administrative Tribunal, Chandigarh Bench for proper adjudication of the claim of the petitioner as raised in the present petitions.

It is made clear that in case, any of the respondents is yet to file reply, they may do so either in the interregnum or as expeditiously as possible keeping in view the opportunities, which might be granted by the Central Administrative Tribunal, Chandigarh Bench after the transfer of these petitions.

Parties are directed to appear before the Central Administrative

Tribunal, Chandigarh Bench on 04.02.2021.

Petitions stand disposed of in above terms.

January 13, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No