

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

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**CWP No.14152 of 2021
Decided on : 09.12.2021**

Kuldeep Kumar

... Petitioner

Versus

Union of India and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr.Sunil Mallan, Advocate, for the petitioner.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India is to the order dated 02.09.2014 (Annexure P-8) passed by the Central Administrative Tribunal.

On 29.10.2021, it was observed by this Court as to how the present writ petition was maintainable against the impugned order once the earlier writ petition was dismissed for want of prosecution on 09.11.2016 (Annexure P-10) and especially when the said order has not been sought to be recalled in any manner. Resultantly, proceedings had been deferred to 12.11.2021. On the adjourned date, it came to the notice of this Court that the said order dismissing for want of prosecution had been recalled on 28.07.2017 and eventually, CWP-16670-2016 was heard and dismissed on merits on 28.02.2018. This factum was specifically concealed by the petitioner while filing his affidavit in support of the present writ petition.

The only explanation of the counsel now is that the petitioner is a poor person and belongs to a rural area and was unaware of the earlier decision on merits.

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We are not convinced with the said explanation. The application for recall of the order was filed after delay of 215 days and the said period was also condoned. The application for restoration was supported by affidavit of the then counsel was allowed and the said counsel had then also appeared on the next date of hearing on 28.02.2018 and argued the case on merits, which was dismissed. We find it hard to believe that the petitioner was unaware of the said facts and that the counsel was operating on his own, without any instructions.

Resultantly, the present writ petition is dismissed in view of the above facts. Petitioner shall pay costs of Rs.10,000/-, to be deposited with the District Legal Services Authority, Gurdaspur. The Collector, Gurdaspur shall ensure the compliance of the said order and send his report accordingly.

**(G.S. SANDHAWALIA)
JUDGE**

December 9, 2021
Sailesh

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No