

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

CWP-14062-2021

Date of decision : 29.07.2021

Balwinder Singh

....Petitioner

V/s

Bharat Sanchar Nigam Ltd. & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Harchand Singh Batth, Advocate for the petitioner.

RAJAN GUPTA J. (ORAL)

Case has been taken up on Video Conferencing in view of
COVID-19 Pandemic.

Operative part of the order passed by Central Administrative
Tribunal, Chandigarh reads as under:-

“17. Further, I observe that even as per his own pleadings, the applicant made a detailed representation only on 11.9.2020 (Annexure A-3). However, he has filed the O.A. on 13.10.2020 - that is just a month after making his representation. This is despite the fact that he was aware of the fact that the recovery has been made based on his provisional pay fixation and is yet to take a final shape. More so, when the applicant was informed of this fact vide letter dated 10.7.2020 by the respondents, which has been attached by applicant himself as Annexure A-2 with the O.A. It is also a fact that applicant took VRS and thus it may not have been possible for the respondents to settle his all retiral dues by fixing his pay after giving him time – bound promotion before his sudden exit from the service.

18. In view of all above, it is clear that the O-A. is highly premature and has been filed without giving the respondents adequate time for settling his dues after taking a decision on his time bound promotion and correct pay fixation and finalization of his retiral dues. Hence, the O.A. is clearly premature. Thus, even on this ground, The O.A. deserves to be dismissed.”

In view of above, Mr. Batth submits that he may be allowed to withdraw this petition with liberty to approach the Central Administrative Tribunal again by way of a fresh O.A. after decision of the representation.

Dismissed as withdrawn with aforesaid liberty.

Needless to observe that authority shall be required to pass a detailed speaking order as per law.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

July 29, 2021

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No