

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

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CWP-21029-2021 (O&M)

Date of decision : 14.10.2021

Deepika Rana

.... Petitioner

Vs.

Union of India and another

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Ms. Munisha Gandhi, Sr. Advocate, with
Mr. Viraj Gandhi and Mr. Adarsh Dubey, Advocates,
For the petitioner.

AJAY TEWARI, J. (ORAL)

Notice of motion.

2. On advance notice, Mr. Satya Pal Jain, Additional Solicitor General of India, assisted by Mr. Sanjay Vashishth, Sr. Panel Counsel, appears and accepts notice on behalf of the respondents.

3. At the very outset, Mr. Vashishth has stated that though it is correct that the Chairperson of the Tribunal has not been appointed but as per the information just received by him, the First Appellate Authority has been appointed on 24.09.2021 and produced the Notification. The petitioner has the remedy for filing an appeal.

4. Learned senior counsel for the petitioner states that the problem which has arisen was that originally she had filed the first appeal but at that time the First Appellate Authority had not been appointed and therefore that appeal was not accepted. Subsequent to that she had filed an appeal before the Second Appellate Authority viz. the Tribunal, but that also was not accepted since there was no Tribunal. She has, however, very fairly stated that now that the First Appellate Authority has been made available, she has made a prayer that the petitioner may be granted some time to file an appeal and that Appellate Authority be directed to decide at least the application for

interim relief and till then adjudication order passed by respondent No.2 be stayed.

5. Learned Additional Solicitor General has accepted the factual assertion that originally the First Appellate Authority and the Second Appellate Authority were not available and only now the First Appellate Authority has been notified.

6. In these circumstances, we accept the prayer made by the learned Senior counsel for the petitioner. In case the petitioner files a complete appeal before the First Appellate Authority within a period of 10 days along with an application for interim relief, there shall be a stay of the impugned order till such time as the appeal, at least the application for interim relief is decided by the First Appellate Authority.

7. It is clarified that the interim order, which has been granted in this case, is not on the merits but in view of the non-availability of the Appellate Forum and the now the Appellate Forum would be free to decide the appeal in accordance with law.

8. Petition is disposed of accordingly.

(AJAY TEWARI)
JUDGE

October 14, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: NO