

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

**109**

**CWP-25898-2022 (O&M)  
Decided on :15.11.2022**

Manoj Kumar

... Petitioner

Versus

Chandigarh Administration and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA  
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

**PRESENT:** Mr. S. S. Pathania, Advocate  
for the petitioner.

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**G. S. SANDHAWALIA, J. (Oral)**

Challenge is to the order dated 17.07.2019 (Annexure P-4) passed by Central Administrative Tribunal, Chandigarh Bench (for short 'the Tribunal') wherein the original application No. 060/00725/2019 was dismissed while noting that a direction had been issued to dispose of the pending representation of the applicant on an earlier occasion. It has been noticed by the Tribunal that a speaking order had been passed on 17.07.2019 rejecting the claim of the petitioner but for the reasons best known apparently, the petitioner chose not to challenge the said order while filing the second original application before the Tribunal. It is in such circumstances, the Tribunal did not entertain the petition in the absence of the challenge to the rejection order and dismissed the same.

In the present writ petition, now apart from the challenge to the order of the Tribunal, challenge has also been raised to the speaking

order dated 17.05.2019. It is the case of the counsel as such that the said order had been appended alongwith the original application but there was no specific prayer as such. A perusal of the order as such would also go on to show that the counsel has not shown any interest or made any prayer to modify the relief clause by challenging the objection order. Counsel has tried to justify the same on the point that it should have been done and an adequate opportunity should be granted to him. We are of the considered opinion that a technical view as such has been taken by the Tribunal, once the order was on record as such and there is specific reference to the said order.

It has also been brought to our notice that in the speaking order, reliance has been placed on the pendency of the SLP(C) No. 6159 of 2019 which now has been dismissed upholding the order of the Division Bench in CWP-2509-2017 titled as Dr. Sanjeev Kumar Vs. Chandigarh Administration through Secretary Education U.T., Chandigarh and others. One of the reason as such by the Director, Higher Education denying relief to the writ petitioner, was the pendency of the said case. We are of the considered opinion that since there has been a change of circumstances also, it would be appropriate if the Tribunal re-decides the issue. We have not issued notice as such to the Chandigarh Administration keeping in view the fact that even in the Tribunal also, they were not represented and the matter was disposed of at the initial stage and no useful purpose would be served and it would only delay the matter.

The writ petition is allowed and the order dated 17.07.2019 (Annexure P-4) of the Tribunal is set aside.

The Tribunal is directed to decide the matter afresh after the petitioner amends his original application and brings on record and raise a challenge to the order dated 17.07.2019 and also brings on record the subsequent order which has been passed.

Disposed of accordingly.

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

November 15, 2022  
*Mehak*

**(HARPREET KAUR JEEWAN)**  
**JUDGE**

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |