

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

206

**CWP-26592-2015
Decided on : 03.03.2022**

Balwinder Pal

... Petitioner

Versus

Union of India and others

... Respondents

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

Present: None for the petitioner.

Mr. Alankrit Bhardwaj, Advocate
for the the respondent-UOI.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the interim order dated 19.10.2015 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') whereby OMA No.0060/00148/15 filed in OA No.0060/00667/2014 for production of record of reservation roster for Group 'C' and 'D' employees from the year 1985, was dismissed.

The Tribunal was of the considered opinion that the petitioner had joined as Group 'D' employee in the year 1992 only. He had filed OA seeking promotion as LDC and seniority list of Group 'D' would be relevant for promotion to Group 'C' and, therefore, the same from the year 1985 was not material for the adjudication of the OA. Similarly, the claim for production of roster for Group 'D' employees was rejected on the ground that the same had not been prepared. The case had been listed for arguments and thereafter, the petitioner approached this Court against the said interim order.

On 29.10.2021, in an application filed by the petitioner, the following order was passed:-

“Application has been filed for preponing of the main writ
petition.

It is pointed out that the challenge is to the impugned order dated 19.10.2015 passed by the Administrative Tribunal. Counsel for the respondents submits that the matter is still pending on account of the present writ petition having been filed. It is clarified that there is no stay, as such, and the Tribunal is not handicapped in any manner in deciding the main dispute. Rather it would be in the interest of justice that the same is decided at the earliest and before the next date of hearing.

Accordingly, application for pre-ponement is disposed of as having been rendered infructuous.”

Mr. Bhardwaj, has now pointed out that the matter is still pending before the Tribunal and fresh applications have been filed by the writ petitioner.

In view of the above, this Court is of the considered opinion that the present petition is not liable to be entertained against the interim order. It is apparent that for the last 7 years, proceedings have been stalled before the Tribunal only on account of pendency of present writ petition. In case, the petitioner is aggrieved by the decision of the Tribunal, he can always challenge the interim order alongwith the final order, since the same shall merge in the same. Even otherwise, counsel for the petitioner is not present and on the last date also he was not present and dilatory tactics are being adopted to stall the proceedings.

Resultantly, the present writ petition is dismissed. Copy of this order be sent to the Registrar of the Tribunal, for information.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

March 03, 2022
Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No