

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

CWP-26064-2022

Date of Decision: 16.11.2022

Chandigarh Administration through its Advisor and others

.....Petitioner(s)

Versus

Central Administrative Tribunal and others

....Respondent(s)

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

Present: Mr. Tanmoy Gupta, Advocate,
and Mr. Rakesh Sobi, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The present petition challenges the interim order dated 24.12.2019 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench wherein, the Enquiry Officer has been directed to postpone the date of inquiry. The challenge is to the enquiry proceedings which have been initiated and the Tribunal, on the basis of an argument as such raised and of the non-availability of the counsel for U.T., at that point of time, had granted the interim order.

A perusal of the paper book would go on to show that an application (Annexure P-5) for vacation of the order dated 24.12.2019 was preferred bearing No. M.A. No. 1455 of 2021, in which notice was issued on 14.09.2022 for 20.10.2022 and it was directed that the application be taken up alongwith the main case. A perusal of the said order would also go on show that the pleadings are complete before the Tribunal. Further, the *zimini* orders would go on to show that on account of the two Members of the Tribunal

being not available, proceedings had been deferred and now the the next date

is stated to be 02.12.2022. The Apex Court and this Court are also seized of the issue of the shortage of the Members and it is not disputed that on an earlier occasion, the Administrative Member Mr. Rakesh Kumar Gupta, was stationed in Bangalore and was discharging his duties by way of video conferencing alongwith the judicial Member. It is not disputed that Mr. Ramesh Singh Thakur, Judicial Member has also joined at Chandigarh.

Mr. Satya Pal Jain, Additional Solicitor General of India alongwith Mr. Parveen Gupta, Advocate, who on having advance copies is appearing, has submitted that steps are being taken to fill up the vacancies as such. It is in such circumstances apparently the delay has occurred in deciding the applications.

We are, thus, of the considered opinion that it is not for us to supervise the issue of interim orders and it will be for the Tribunal to manage its roster. Accordingly, we do not feel it is a fit case as such to issue any directions to the Tribunal as the pleadings are now complete and it is for the Tribunal to decide the issue in proper perspective.

Resultantly, the present writ petition is disposed of in the above terms.

(G.S. SANDHAWALIA)
JUDGE

16.11.2022
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No