



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

137

CWP-14792-2024

Date of Decision: July 04, 2024

Director Health and Family Welfare
and another

.....Petitioner(s)

Vs.

Dr. Hatesh Kumar and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Madhu Dayal, Addl. Standing Counsel and
Ms. Aashna Gill, Junior Panel Counsel
for the petitioner(s).

SURESHWAR THAKUR.J. (ORAL)

1. The respondent No.1 before this Court had filed O.A No.182/2024 before the Central Administrative Tribunal, Chandigarh Bench. The said O.A was filed for challenging the termination order. The said order whereby his contractual service became terminated, became contended to be flawed, mainly on the premise, that it was not a speaking one, besides it was contended on behalf of the employee, that the said order of termination of his contractual service by his employer, rather was cryptically drawn. Moreover, respondent No.1 had also contended that the said order was stigmatic and was without any judicious application of mind to the service rendered by him. Along with the O.A, through an interim application, thus a prayer for staying the operation of the order of termination, became espoused.



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2. The Learned Central Administrative Tribunal issued notice on both the OA as well as qua the I.A. (supra), thus upon the present petitioner besides issued a direction upon the petitioner-Department before this Court, to continue to retain the applicant-respondent No.1 in service but till the next date of hearing. The next date of hearing of the OA, as well as qua the interim application was fixed as 03.05.2024.

3. It is stated at the bar by learned counsel for the petitioner that on the date (supra) no reply was filed. Accordingly, if the said reply was filed, then the learned Tribunal may have not proceeded to extend the longevity of the order (supra), as became passed on the apposite I.A., whereby the employer was directed to continue/retain the applicant in service till the next date of hearing.

4. Be that as it may, it is further stated at the bar by learned counsel for the petitioner, that the subsequent date assigned by learned Tribunal, is 18.07.2024. Therefore, it appears that the said adjournment(s) had been asked for at the instance of the present petitioner rather merely for delaying the rearing of an able contest by it, to the OA besides to the interim application. Needless to also say that thereby that has been a grave omission on the part of the present petitioner to file a prompt telling reply to the OA as well as to the interim application.

5. As a sequel of the above, the present petitioner, thus cannot make any ground before this Court, for invalidating of the order passed on the interim application, whereby the present petitioner was directed to continue to retain the applicant in service till the next date of hearing nor can contend that the order passed for extending the longevity of the said order rather is invalid.



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6. There is no merit in the case and the same is dismissed.
7. Conspicuously despite the grave omission (supra), the employer is agitating against the interim order, thereby the said agitation is necessarily frivolous. Resultantly, the petitioner is saddled with costs of Rs.10,000/- which shall be forthwith deposited before the Treasurer of the Bar Association of Punjab and Haryana High Court.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 04, 2024
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Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No