



CWP No.15437 of 2024

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

CWP No.15437 of 2024(O&M)

Decided on :13.08.2024

**Post Graduate Institute of Medical Education and Research, Sector 12,
Chandigarh**

.....Appellant

VERSUS

Central Administrative Tribunal, Chandigarh and Ors.

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Prateek Gupta, Advocate
for the appellant.

LISA GILL, J (ORAL)

1 Prayer in this writ petition is for setting aside order dated 23.09.2022 passed by learned Central Administrative Tribunal, Chandigarh (for short 'the Tribunal'), whereby petitioner Institute has been restrained from holding of proceedings by Departmental Promotion Committee (for short 'DPC').

2 It is submitted that due to said order dated 23.09.2022, DPC proceedings cannot be held for considering promotions to the post of Senior Nursing Officer/Sister Grade-I in the petitioner institution which has brought the entire working of institute to a virtual halt leading to an adverse impact on critical care to be provided to patients. It is informed that pleadings are complete and the matter is ripe for arguments.

**CWP No.15437 of 2024****2**

3 Learned counsel for petitioner submits that on earlier occasion CWP No.26993 of 2023 with the same prayer was filed, however, it was withdrawn with liberty to petitioner to address a mention before learned Tribunal to take up and decide the application filed by petitioner seeking vacation of interim stay granted vide order dated 23.09.2022. Order dated 01.12.2023 passed in CWP No.26993-2023 reads as under:-

‘1.Learned counsel for the petitioner seeks to withdraw the present petition, at this stage, with liberty to the petitioner to make a mention before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short the Tribunal) to at least take up and decide the application filed by the applicant being MA No.2127 of 2022 seeking vacation of the interim stay granted by the Tribunal through its order dated 23.09.2022.

2. Dismissed as withdrawn with liberty as prayed for.

3. We have no doubt that as and when the aforementioned prayer is made by learned counsel for the petitioner, the Tribunal shall consider the same in the light of the fact that the application filed by the applicant seeking vacation of the interim stay is pending for over a year.’

4 Pursuant thereto, M.A. No.2697 of 2023 in OA No.751 of 2022 was filed before learned Tribunal. It is submitted that matter is still pending before the learned Tribunal. Application seeking vacation of stay has also not been decided. Reference is made to various orders passed by learned Tribunal attached as Annexures P-37 to P-45. Thereafter, the application was filed by petitioner seeking revival of CWP No.26993 of 2023. Said application was dismissed as withdrawn with liberty to the petitioner to file a fresh petition qua the grievance raised in the application. Revival of petition had been sought on the ground that application for vacation of stay was not being decided by learned Tribunal. Subsequently, present petition has been filed.

**CWP No.15437 of 2024****3**

5 Keeping in view the facts and circumstances as above and the adverse impact which percolates on the working of Nursing Staff as depicted before us, learned Tribunal is requested to take up the matter for adjudication on 23.09.2024 i.e. the date on which the matter is informed to be listed and endeavour to decide the same expeditiously and preferably within a period of eight weeks.

6. Writ petition is, accordingly disposed of.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

13.08.2024

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No