

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.224

CWP-7224-2018

Date of decision : 29.04.2024

Tarsem Kumar

..... Petitioner

Versus

Central Administrative Tribunal,
Chandigarh Bench, Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr.Rajesh Punj, Advocate, for the petitioner.
 Ms.Puneeta Sethi, Advocate, for respondents No.2 to 6.

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DEEPAK SIBAL, J. (Oral)

1. Through an Original Application (for short, OA) filed before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short, the Tribunal) the petitioner challenged the termination of his services. The OA came up for hearing before the Tribunal on 11.10.2017 on which date the matter was adjourned to 04.11.2017. In the meanwhile, the Tribunal directed the petitioner to place on record his appointment letter. When till 09.01.2018 the petitioner failed to comply with the order of the Tribunal dated 11.10.2017, the Tribunal presumed that there was no document with the petitioner to show that he had ever been appointed by the respondent-department and accordingly, dismissed the OA. Through the instant petition challenge is made to the order of the Tribunal dated 09.01.2018.

2. Learned counsel for the petitioner submits that though the petitioner has misplaced the formal order of his appointment there is enough evidence on the record to show that he had been appointed and that he had also served the respondent-department from 01.05.2010 till 15.09.2016. In this regard attention of this Court is invited to the written statement filed by the respondent-department in which it is admitted that the petitioner had served the respondent-department but when it was found that his appointment was illegal his services were dispensed with.

3. Learned counsel for the parties have been heard and with their able

assistance the record of the case has also been perused.

4. Through an interim order passed by the Tribunal the petitioner was directed to place on record his appointment letter or any other document showing that he had served the respondent-department which direction he failed to comply. In the light of such inaction on the petitioner's part, the Tribunal assumed that the petitioner had never been appointed by the respondent-department and accordingly, through the impugned order dismissed the petitioner's OA through which he had challenged the termination of his services.

5. In the written statement filed by the respondent-department before this Court the respondent-department admits that the petitioner did serve the respondent-department but when it came to light that the petitioner's appointment was illegal his services were immediately dispensed with.

6. In view of the above stand taken by the respondent-department it is clear that the petitioner had served the respondent-department and therefore, the OA filed by him could and should have not been summarily rejected by the Tribunal only on the ground that he had not placed on the record of the Tribunal proof of his appointment and of him having served the respondent-department.

7. In the light of the above, we deem it appropriate to set aside the impugned order and remit the matter to the Tribunal to decide the petitioner's OA on its merits, in accordance with law.

8. It is clarified that while disposing of the instant petition we have rendered no opinion on the merits of the petitioner's claim.

9. The petition is allowed in the above terms.

[DEEPAK SIBAL]
JUDGE

29.04.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No