



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

CWP No.13017 of 2025 (O&M)

Date of Decision: 08.05.2025

Ministerial & Secretarial Employees Union, PGI, Chandigarh

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Jagmohan Singh Bhatti, Advocate
for the petitioner.

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SANJEEV PRAKASH SHARMA J. (Oral)

1. The Ministerial and Secretarial Employees Union, PGI, Chandigarh, has preferred this writ-petition assailing the order dated 24.09.2024 (Annexure P-2) passed by the Central Administrative Tribunal, Chandigarh (for short, 'CAT') in the **OA No.060/179/2017** wherein the Employees Union was not a party, of course, an application was moved by their Secretary and the President in personal capacity for impleadment which was allowed and they were impleaded as respondents. However after becoming respondents in the OA, they did not choose to file any reply.

2. While in ordinary course we could have dismissed the writ-petition itself as the Employees Union was not a party to the OA, even taking a lenient view allowing it to be as if the Secretary and President were representing the Employees Union, on merits too, we do not find it to be a fit



case to interfere and exercise our supervisory jurisdiction in relation to an order passed by the CAT where the CAT was examining the issue raised by the applicants therein who essentially challenged their reversion from the post of Office Superintendent to the post of UDC as the Limited Departmental Competitive Examination (here-in-after to be referred as “LDCE”) result was quashed and set-aside.

3. Learned counsel has extensively argued based on the contents of the application filed for impleadment and submits that the said contentions were not taken into consideration by the CAT while disposing of the OA. He submits that the Employees Union had raised a grievance through the application that second cadre review was required to be made with effect from 1992 but the same was not done and the exercise conducted by the PGIMER for making promotions to the post of Office Superintendent by the two methods, i.e 60% by promotion and 40% by LDCE was only unjustified. Learned counsel submits that the Employees Union was raising the issues which were to be gone into necessarily by the CAT and the exercise as approved by the CAT, therefore, is unjustified remedy.

4. We have carefully considered the submissions. First and the foremost aspect which we need to consider is the law of pleadings and how the matter can be examined, while finally deciding the case. Under the Administrative Tribunal Act, 1985, the Rules have been framed which requires a reply to be filed to the OA so filed before it. While intervening applications an IAs may be filed, once they are disposed of, the contents whereof are not to be looked into after disposal while deciding the main case. It is an admitted position as has come on record that there was no



specific reply filed by the Employees Union to the contents of the OA. We also noticed that the prayer made in the OA was as under:-

“8(iii) That this OA be allowed and impugned order Annexure A-1 whereby LDCE result has been scrapped and applicants reverted from the post of Office Superintendents be quashed and consequently, the applicants be permitted to continue on their posts of Office Superintendents alongwith all consequential benefits.”

5. In view thereto, the CAT was obliged only to examine the issue raised before it and the same could not have travelled beyond the pleadings as raised by the applicant. If the writ-petitioner had any other grouse and they wanted to raise issues relating to the second cadre review, the remedy lies elsewhere and not by way of being impleaded as respondent in a case which mainly was filed by individuals praying for setting aside their reversion. We find that the CAT has based its entire judgment on the basis of the pleadings which had come on record, both from the applicant as well as from the concerned respondents. Even other contesting respondents were given an opportunity of hearing and after examining all the aspects the CAT noticed as under:-

“15. We notice that there can be no ground for entertaining any complaint and re-evaluate the papers when there was no complaint regarding misconduct of the examination, cheating, impersonation or paper leakage etc. found in the selection process.”

6. Learned counsel has relied upon a judgment passed by the Apex Court in ***Bharti Arora vs. The State of Haryana, Criminal Appeal No.1699 of 2011 decided on 13.12.2024*** to contend that the principle of



natural justice has not been followed. However we are afraid that the submission is wholly misconceived as the said judgment is passed in a criminal appeal relating to Narcotic Drugs and Psychotropic Substances Act has no relevance with the issue raised before us.

7. We find that the order passed by the CAT has not been challenged by the Union of India before us and the same has been accepted. Upon examining the afore-said order, we are also of the firm view that the CAT has passed a justified and equitable order and has taken into consideration even the subsequent evaluation conducted with regard to LDCE which reflects that all the applicants were in merit except one applicant Ram Yash Yadav but even his candidature has been saved by the CAT while deciding the OA by directing for creating one post for Madan Lal Pant. In these circumstances, the writ-petition preferred by the petitioners, racking up issue which are not germane to the issue raised before the CAT, we, thus, dismiss the instant petition.

8. All the pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

May 08, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>