



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

114-2

Decided on : 05.09.2025

**CM-12760-CWP-2025 in/and
CWP-12972-2017 (O&M)**

SPORTS AUTHORITY OF INDIA AND ORS

..Appellants

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND OTHERS

... Respondents

**CM-12759-CWP-2025 in/and
CWP-13073-2017 (O&M)**

SPORTS AUTHORITY OF INDIA AND ORS

..Appellants

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

**PRESENT: Mr. Vishal Aggarwal, Advocate
for the non-applicants/petitioners.**

**Mr. Gurmeet Singh, Advocate
for applicant-respondent No. 2 (appeared through virtual mode)**

HARSIMRAN SINGH SETHI , J. (Oral)

**CM-12760-CWP-2025
CM-12759-CWP-2025**

Present applications have been filed for revival of the main petitions i.e. CWP-12972-2017 & CWP-13073-2017, which were disposed of by this Court vide order dated 20.08.2025.

Notice of the application to the counsel opposite.



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Mr Vishal Aggarwal, Advocate, accepts notice on behalf of non-applicants/petitioners and raises no objection in case, the prayer made in the present applications are allowed.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed.

Consequently, the writ petitions are restored to its original number and status and the order dated 20.08.2025 is recalled. On the joint request of both the parties, the main writ petitions are taken up for hearing today itself.

CWP-12972-2017
CWP-13073-2017

1. In the present set of two petitions, the detail of which are mentioned in the heading, the challenge is to the impugned orders dated 20.01.2017 (Annexure P-1) in both the petitions passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (herein after referred to 'the Tribunal'), by which, the directions have been issued by the Tribunal that in pursuance to advertisement of the year 2012 (Annexure P-2), the case of the respondents for the appointment on the post of JSO, Anthropometry in CWP-13073-2017 and JSO, BIO-Mechanics in CWP-12972-2017 be considered and the selection process dated 02.05.2014 has been set-aside.

2. Learned counsel for the petitioners argues that the posts in question were advertised vide advertisement of the year 2012, copy of which has been annexed as Annexure P-2 and in the said advertisement (Annexure P-2), there was no clause of reservation for the specific post as all the posts were considered in the same cadre and reservation was given in the



advertisement itself, which was not qua the specific post but was applicable upon all advertised posts jointly.

3. Learned counsel for the petitioners further submits that no grievance was raised by the respondents when they competed for the said post in question and after, they failed to get selected zone, they approached the Tribunal with the grievance that the selection list of candidates for the post in question so prepared is incorrect and the same liable to be set-aside as reservation should have been mentioned postwise, which prayer of the respondents has been accepted by the Tribunal vide order dated 20.01.2017.

4. Learned counsel for the petitioners also submits that in the absence of any challenge to the advertisement (Annexure P-2) and by not impleading the selected candidates who are likely to be affected, the challenge was raised by the respondents, which was accepted by the Tribunal and that too without appreciating the actual facts.

5. Learned counsel for the respondents submits that though the respondents participated in the selection process for the post in question, but as, the posts were to be reserved specifically for each cadre, which was not done, hence, the grievance of the respondents has been appreciated by the Tribunal in a correct perspective and benefit as being claimed by them has been granted by the Tribunal which may not be interfered, hence, the present writ petitions may kindly be dismissed.

6. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. A bare perusal of the advertisement (Annexure P-2) would show that the advertised posts were not specifically reserved. The reservation was given on the total posts which were to be filled up i.e. 19 posts and out of the



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total 19 posts, 10 vacancies were for general category and 09 posts were reserved for SC, ST and OBC category candidates. Once, the respondents competed in pursuance to the advertisement (Annexure P-2) and even thereafter, never challenged the said advertisement (Annexure P-2), any selection made which is inconsonance with the advertisement (Annexure P-2), no grievance could have been raised by the respondents as they competed for the post in question with their open eyes.

8. Further, it is a settled principle of law, that once, the respondents candidates have competed in pursuance to the advertisement (Annexure P-2) and having failed to achieve the required merit, they cannot thereafter turn around to challenge to the selection itself and that too in the absence of any challenge to the advertisement in pursuance to which they competed for the post in question.

9 Further, the selection was made by the department concerned and the selected candidates were selected on the post in question and without impleading any selected candidate who are likely to be affected, the original application was filed by the respondents before the Tribunal.

10. It may be noticed that once, the selected candidates who were to be directly affected by the outcome of the original application, were not impleaded as parties, the Tribunal could not have proceeded further, for any order setting aside the selection and that too without impleading the selected candidates as party to the proceedings.

11. Further, the order dated 20.01.2017 passed by the Tribunal is that the Selection should be made by reserving the individual post specifically.

12. It may be noticed that the said direction can only be given by the



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Tribunal in case, the advertisement (Annexure P-2) is challenged by recording the findings that the advertisement (Annexure P-2) so issued by the department concerned was not in accordance with the law. Once, it is a conceded position before this Court that the advertisement (Annexure P-2) was not even challenged before the Tribunal, no direction could have been given by the Tribunal to make a selection in a particular manner despite the fact that the advertisement (Annexure P-2) remains the same and the same has not been set-aside.

13. No other arguments have been raised by either party.

14. Keeping in view the above, order dated 20.01.2017 (Annexure P-1) passed by the Tribunal is perverse to the facts and settled principle of law and cannot be sustained, hence, the same is hereby set-aside accordingly.

15. The present petitions are disposed of.

16. Pending civil miscellaneous application(s), if any, stand disposed of.

17. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

05.09.2025

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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No