



CWP-2459-2020

1

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

(210)

CWP-2459-2020

Date of Decision : February 19, 2026

Union of India

.. Petitioner

Versus

Subhash Chander Gupta and others

.. Respondents

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

Present: Ms. Sukhmanjot, Advocate, and
Mr. Amit Arora, Advocate, for the petitioner.

Mr. Rishav Sharma, Advocate, for respondent No.1.
(joined through VC)

Service upon respondents No. 2 and 3 already dispensed with.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 28.09.2017 (Annexure P-4) passed by the learned Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal') whereby, the claim of respondent No.1 qua the grant of higher pay scale in the Rs.6500-10500/- w.e.f. 01.01.1996 with consequential benefits, has been accepted.

2. Learned counsel appearing on behalf of the petitioner-UOI submits that respondent No.3- the Tribunal exceeded its jurisdiction while deciding the execution application so as to set aside the order dated 29.11.2017 passed by the petitioner-UOI keeping in view the direction given by the Tribunal in OA No.060/01154/2015 dated 28.09.2017.

3. Learned counsel for the petitioner submits that the order dated 29.11.2017 passed by the petitioner-UOI could not have been set aside in an

**CWP-2459-2020****2**

execution application and in case, the respondent No.1 was aggrieved against the decision so as to deny the benefit, they could only have filed the original application so as to challenge the same and as of now, though the order dated 29.11.2017 has not been challenged but the same has already been set aside by the Tribunal, which decision of the Tribunal may kindly be set aside.

3. Faced with the said argument, learned counsel for respondent No.1, at the outset, submits that the liberty be given to challenge the order dated 29.11.2017 by filing appropriate original application.

4. Learned counsel for the respondent No.1 submits that they will challenge the order dated 29.11.2017 before the Tribunal but the petitioner be directed not to raise any ground for limitation for challenging the same as the matter remained pending in the present proceedings.

5. Keeping in view the above, it is directed that in case the respondents challenge the order dated 29.11.2017 by availing an appropriate remedy, the petitioner will not raise the objection of limitation before the Tribunal. The order passed by the Tribunal dated 28.09.2017 (Annexure P-4) is set aside but with liberty to the respondents to challenge the order dated 29.11.2017 availing appropriate remedy before appropriate forum.

6. The present writ petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

February 19, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No