

(2010) 09 P&H CK 0298

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 11170-CAT of 2006

Union Territory of Chandigarh

APPELLANT

Vs

Central Administrative Tribunal,
Chandigarh Bench and Another

RESPONDENT

Date of Decision: Sept. 30, 2010

Acts Referred:

- Punjab Civil Services (Punishment and Appeal) Rules, 1970 - Rule 21

Citation: (2011) 1 ILR (P&H) 573

Hon'ble Judges: Ritu Bahri, J; M.M. Kumar, J

Bench: Division Bench

Judgement

M.M. Kumar, J.

This petition by the U.T. Administration Chandigarh is directed against order dated 19.12.2005 (P-4), passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, "the Tribunal") quashing order dated 20.12.2004, passed by the Administrator (A-3). The Administrator in the aforesaid order has declined the request made by the applicant-Respondent No. 2 for review of the order of the Finance Secretary on the ground that no review was maintainable. The Tribunal placing reliance on Rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, proceeded to hold that the power of review was clearly vested in the Administrator and the application filed by the applicant-Respondent No. 2 was illegally declined.

2. When the matter came up for motion hearing of this Court on 25.7.2006, the Division Bench admitted the petition and by way of interim order it was directed that the U.T. Administration would comply with the order passed by the Tribunal. Learned Counsel for the Petitioner has stated that the U.T. Administration challenged the aforesaid interim order before Hon'ble the Supreme Court and the SLP was dismissed.

3. It is appropriate to mention that vide order dated 5.3.2002, passed by the Disciplinary Authority-Estate Officer, a penalty of reduction of rank for a period of five years was inflicted upon the applicant-Respondent No. 2. The aforesaid punishment was modified by the Appellate Authority -Finance Secretary, Chandigarh Administration, vide order dated 15.4.2004 and instead a penalty of stoppage of five increments with cumulative effect was imposed. In pursuance of the direction issued by the Tribunal in its order dated 19.12.2005 (P-4) and also further interim direction, dated 25.7.2006, issued by this Court for implementation of the order of the Tribunal, the Reviewing Authority-Administrator heard the application filed by the applicant-Respondent No. 2 on merit and upheld the aforesaid order passed by the Appellate Authority-Finance Secretary, Chandigarh Administration. The order passed by the Reviewing Authority - Administrator upholding the order of the Appellate Authority, attained finality as it was not challenged at any forum by the applicant-Respondent No. 2.

4. Mr. K.K. Gupta, learned Counsel for the U.T. Administration has stated that the applicant-Respondent No. 2 stands promoted on the post of Naib-Tehsildar in April 2010 after effect of the punishment has come to an end. According to the learned Counsel the instant petition, in fact, has become infructuous and may be disposed of as such.

5. As a sequel to the above discussion, the writ petition has been rendered infructuous and is disposed of as such.