

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 9
O.A./94/2021 (CHANDIGARH)
With
M.A./463/2022
M.A./678/2022
[RE FIXATION OF PAY]
Court No.: 1

No of Adjournment: 6

Order Dated: 04/03/2022

**HARPAL SINGH
Vs
M/O DEFENCE**

For Applicant(s) Advocate : Sh. Pardeep Sharma

For Respondent(s) Advocate : Sh. Vinod K. Arya

Order of The Tribunal

On 05.01.2022, the following order was passed by this Tribunal:-

"While issuing notices to respondents on 02.02.2021, four weeks' time was granted to file the written statement and the matter was posted to 27.04.2021. Despite sufficient opportunities having been given, the respondents could not file their written statement uptill October 2021. On 20.10.2021, when the matter was taken up, Sh. V. K. Arya, learned counsel for the respondents had still prayed for some more time to file the written statement. In the interest of justice, one more opportunity was granted to respondents subject to payment of costs of Rs.10,000/- and the matter was adjourned to 10.12.2021 with a direction to respondents to file their written statement a day prior to the date fixed after depositing the amount of costs. However, the respondents' still could not file their written statement within the said stipulated period. Neither the amount of costs was paid. On 10.12.2021 again, a prayer was made on behalf of the respondents to file the written statement and the matter was adjourned to 05.01.2022 i.e. today.

Today again, Sh. V. K. Arya, learned counsel for the respondents has prayed for some more time to file the written statement and also to deposit the amount of costs. Sh. Arya further stated that draft written statement was prepared by him in June, 2021 and the same was forwarded to respondents for putting their signatures. The respondents are not even responding to his repeated communications.

In these circumstances, we are left with no other option but to summon respondent No.4 to appear in person along with the records in original enabling this Tribunal to adjudicate upon the matter.

List on 04.03.2022.

Let the respondent No.4 appear in person on the next date of hearing along with the records in original.

A copy of this order be circulated amongst all the respondents."

Instead of putting in appearance in person with records of the case, the respondent No. 4 has opted to file Miscellaneous Application No. 060/463/2022 alongwith respondent No. 5 stating therein that they have got nothing to do with the deductions made in the applicant's case, which have been made when the applicant was posted with respondent No. 2.

Colonel Pateria, Commanding Officer, 11 Corps Zone workshop, Jalandhar, who has joined the video conference to assist Sh. Vinod K. Arya, learned counsel for the respondents, however, stated that the applicant had retired from his Unit only on 28.02.2021.

In order to seek deletion of the names of respondents No. 4 & 5 from the array of respondents, the reliance has been placed upon a letter dated 08.02.2021 (Annexure MA-R-1) which prima facie appears to have been obtained from the applicant by exerting coercion upon him.

Issue notice in MA No. 060/463/2022 to original applicant.

Sh. Pardeep Sharma, Advocate, accepts notice on behalf of the original applicant.

Sh. Sharma has prayed for and is allowed a week's time to file the reply to said Miscellaneous Application.

Rakesh Kumar Gupta
Member (A)

Suresh Kumar Monga
Member (J)

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