

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00592/2017
Chandigarh, this the 19th day of February, 2018

...
**CORAM:HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

1. Vineet Chawdhry, IAS (HP 1982) aged 59 years, formerly Additional Chief Secretary, Government of Himachal Pradesh (Health and Family Welfare), Shimla and presently Principal Advisor (RPG) Govt. of H.O. Shimla (Group A).
2. Deepak Sanan, IAS (HP 1982) aged 60 years, formerly Additional Chief Secretary, Government of Himachal Pradesh, Shimla, now retired as Principal Advisor (AR) Govt. of H.P. resident of House No. 7, Type VI, Kasumpti, Shimla – 171009.

....Applicants

(Present: Mr. R.K. Sharma, Advocate)

VERSUS

1. Union of India through Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi -110001.
2. State of Himachal Pradesh through Chief Secretary to the Government of Himachal Pradesh, HP Secretariat, Ellerslie, Shimla.
3. Shri V.C. Pharka, IAS (HP 1983), Chief Secretary to the Government of Himachal Pradesh, HP Secretariat, Ellerslie, Shimla.
4. Upma Chawdhry, IAS (HP 1983) aged 58 years, formerly Additional Chief Secretary (Agriculture, Fisheries and Animal Husbandry), Government of Himachal Pradesh, Shimla and presently, Director LBSNAA Mussoorie, Uttarakhand.

....Respondents

Present: Mr. Ram Lal Gupta, Advocate for Resp. No. 1
Mr. Arjun Partap Atma Ram, Advocate for Resp. No. 2
Mr. Shailendra Sharma, Advocate for Resp. No. 3
Mr. Sandeep Siwatch, Advocate for Resp. No. 4

ORDER (Oral)
JUSTICE M.S. SULLAR, MEMBER (J)

1. As is evident from the record, that initially the applicants have filed the instant Original Application (O.A), challenging the order dated 31.5.2016 (Annexure A-1), whereby Respondent no.3 (junior to them), was appointed as Chief Secretary of the

Government of Himachal Pradesh and order dated 4.3.2014 (Annexure A-2), vide which Respondents No.3 and 4 have been placed in the grade of Chief Secretary, in violation of the rules and law. They have also claimed to consider them, holding regular rank of Additional Chief Secretary, for appointment to the rank of Chief Secretary.

2. On the contrary, the respondents have refuted the claim of the applicants and filed their respective written statements. They have stoutly denied the allegations and grounds, contained in the OA, and prayed for its dismissal.

3. During the pendency of the Original Application (OA), circumstances have changed and new Government has taken over. Applicant No.1 Vineet Chawdhry, has already been appointed as Chief Secretary to Government of Himachal Pradesh.

4. As such, on the last date of hearing, the following order was passed :-

“At the very outset, learned counsel for the respondents has stated that since the applicant no.1 has been selected and posted as Chief Secretary of Himachal Pradesh, so, this Original Application has become infructuous.

Faced with the situation, learned counsel for the applicants seeks time to further argue the matter.

Adjourned to 19.02.2018 for further consideration”.

5. It is not a matter of dispute, that the applicant No.1 has already been appointed as Chief Secretary of the Government of Himachal Pradesh and applicant No.2 has already retired, after attaining the age of superannuation.

6. Today, at the very outset, the learned counsel for the applicants intends to withdraw the O.A., without prejudice to their rights, in any manner, and to enable them to file a detailed representation, for redressal of their grievance, before the

competent authority i.e. Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Respondent No. 1).

7. Therefore, the instant O.A. is hereby dismissed as withdrawn, with the aforesaid liberty, as prayed for.

8. Needless to mention, in case the applicants file such representation, within a period of one month for redressal of their grievance, then the same would naturally be sympathetically considered and decided, by the Competent Authority, by passing a speaking/detailed order in accordance with law, within two months thereafter.

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(P. GOPINATH)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Dated: 19.02.2018

'HC'

