

HARI CHAND

ADVOCATE

ਹਰੀ ਚੰਦ

ਵਕੀਲ

PUNJAB & HARYANA HIGH COURT

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

SECTOR 44-C, CHANDIGARH-160045

ਮੋਬਾਈਲ: 9814013764

EMAIL ID : ਈ ਮੇਲ ਆਈ ਡੀ

hcarora.highcourt@gmail.com

ਮਕਾਨ ਨੰਬਰ -2299

ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

DATED: 28.5.2019

To

1. Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
2. Chief Secretary, Government of Haryana, Haryana Civil Secretariat, Chandigarh.

Subject:- Demand for setting up State Administrative Tribunal for adjudicating the service disputes of the employees.

Through E-mail

Dear Sirs,

I hereby serve the following demand notice on you:-

1. That I am practicing as an Advocate in the High Court of Punjab and Haryana at Chandigarh. I have also remained Senior Central Government Standing Counsel for defending the cases of the Central Government in the Central Administrative Chandigarh Bench for about 6 years, from 1998 to 2004. I am therefore, well familiar with the functioning of the Central Administrative Tribunals, which are providing speedy justice to the employees of Central Government and those working in various Undertakings/Institutions under the Central Government, who have been brought by the Central Government under the purview of such Tribunals by issuing special notification for the purpose.

2. That it hardly needs be stated that recourse to the judicial system is very costly, particularly for the employees, and more particularly, for those belonging to class-III or class-IV services. Otherwise too, the Hon'ble High Courts are flooded with the cases, and there is huge backlog of such cases. A major portion of such cases, which are pending in the shape of a backlog in the Hon'ble High Court of Punjab and Haryana at Chandigarh, pertains to service

matters, and a major portion of such litigation pertaining to service matter is filed by the State Government or various State Government Undertakings. Thus, there is imperative need for setting up State Administrative Tribunals in both the States of Punjab and Haryana for the purpose of providing speedy justice to the employees of the State Governments, as well as those working under the various Undertakings/Institutions under the Punjab and Haryana Governments.

3. That it is also pertinent to state that Central Administrative Tribunals have been set up by the Central Government in exercise of the provisions contained in Article 323-A of the Constitution of India. Under the provisions of Article 323-A (2) of the Constitution of India, the State Government can also set up an separate Administrative Tribunal (known as State Administrative Tribunal), for adjudication of service disputes of its own employees or those of the various Undertakings/Boards/Corporations set up by the State Government. However, unfortunately, the States of Punjab and Haryana have not availed this opportunity by setting up State Administrative Tribunals in their respective States, under Article 323-A of the Constitution of India. The result of inaction on the part of the two States is that the Hon'ble High Court of Punjab and Haryana at Chandigarh is flooded with service matters mostly originating from the State Government. Thus, the Hon'ble High Courts, which were empowered to exercise powers under Article 226 of the Constitution of India, for issuing prerogative writs, have to deal with very minor cases also, which could have been otherwise adjudicated upon by the State Administrative Tribunal, if such Tribunal had been set up by the Governments of Punjab and Haryana.

4. That it hardly needs be stated that the Constitution of India aims at providing justice to the citizens at their door steps. The provisions of Article 323-A of the Constitution of India were added to the Constitution by a specific amendment made in the year 1977, for the purpose of setting up Central/State Administrative Tribunal, who may play a supplemental role to the Hon'ble High Courts, and thereby may reduce the burden of Hon'ble High Courts.

5. That it is further pertinent to state that the aforesaid matter had been attracting the attention of State Governments of Punjab and Haryana since long. In the year 1993 also, the State of Punjab had taken a decision to set up State Administrative Tribunal, but the idea was not taken to its logical conclusion. The State of Haryana had also been toying with the idea to set up State Administrative Tribunal. It is high time, therefore, that when the Hon'ble High Court of Punjab and Haryana at Chandigarh is having a huge backlog of cases of more than 2 crore in number, the State Governments of Punjab and

Haryana should come to the rescue of the Hon'ble High Court by issuing notifications for setting up State Administrative Tribunals for their respective States. That would also come as a great relief to the litigant/employees, as the experience of the Central Government employees with Central Administrative Tribunal Chandigarh Bench is that most of the Original Applications filed by the Government employees are decided within a period of less than 6 months on an average. The prolonged litigation and the delayed decisions are neither in the interest of the Government, nor in the interest of the Government employees. Thus, the need to set up State Administrative Tribunals in both the States of Punjab and Haryana is imperative, and it would not only be in public interest, but also in the interest of judicial system also .

I would therefore, call upon you to consider setting up Central Administrative Tribunal in your respective States, at earliest.

Meanwhile, please acknowledge receipt of this Demand Notice.

Thanking you.

Yours sincerely,

(HARI CHAND)
ADVOCATE