

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12878 of 2015

Date of Decision:- 02.07.2015.

Union of India and others

.....Petitioners

Versus

Raj Kamal Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Manish Dadwal, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) Union of India etc. have at this belated stage have chosen to challenge the order dated 06.04.2011 passed by Central Administrative Tribunal, Chandigarh Bench (in short 'the Tribunal') as well as the order dated 09.08.2012 of the Tribunal partly accepting their review application. Though the writ petition deserves to be dismissed outrightly on account of inordinate delay and laches, however, having been persuaded by the young counsel representing the petitioners, we have heard him on merits and gone through the record.

2.) It is revealed from the Tribunal's order dated 06.04.2011

that the claim of private respondents who are working as Data Entry Operators for the grant of pre-revised pay scale of ₹ 1350-2200 was accepted as they are graduates. The decision given by Ernakulam Bench of the Tribunal in identical facts and circumstances was relied upon.

3.) It is not in dispute that the order passed by Ernakulam Bench of the Tribunal has attained finality on dismissal of Special Leave Petition by the Hon'ble Supreme Court.

4.) Union of India still moved a review application in the instant case i.e. R.A. No.47 of 2012 pointing out that two applicants No.6 and 7 before the Tribunal were not graduates and as such are not entitled to the higher pay scale.

5.) The Tribunal entertained the review application and after taking notice of the stand of respondent Nos.6 and 7 that subsequently they have done their graduation while in service, it has vide its order dated 09.08.2012, modified the original order dated 06.04.2011 to the extent that the above named two applicants have been directed to be granted higher pay scale from the date of completing their graduation (instead of date(s) of appointment).

6.) As may be seen from the facts and events noticed above, the Tribunal rightly followed its earlier view which has attained finality. Suffice to observe that similarly placed Data Entry Operators are entitled to the same pay scale irrespective of their place(s) of posting in any State. The factual mistake committed while passing the

original order, also stood rectified in the year 2012 leaving hardly any cause for the petitioners to further agitate the matter.

7.) For the reasons aforesaid, we do not find any merit in the writ petition and the same is dismissed.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

July 02, 2015.

sandeep sethi