

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15712 of 2015

Date of Decision:- 03.08.2015.

Chandigarh Administration and others

.....Petitioners

Versus

Ashwani Kumar 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. Kapil Kakkar, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

1.) The Chandigarh Administration and its Technical Education Department are aggrieved by the order dated 30.04.2014 of Central Administrative Tribunal, Chandigarh Bench (for short 'the Tribunal') directing them second time to re-consider the claim of private respondents for the grant of same higher pay scale as has been granted to one of their colleague, namely, Naresh Kumar.

2.) The case of four private respondents before the Tribunal was that they as well as Naresh Kumar – all are working as 'Workshop Attendants' and are discharging same duties and responsibilities during same hours of work. Naresh Kumar is getting pay scale of ₹ 2720-4260 whereas they are getting the lower pay scale of ₹ 2520-4140.

3.) It is true that the petitioner-Authorities had rejected the claim of private respondents by passing a so-called speaking order dated 29.11.2010 but that order has rightly been not relied upon by the Tribunal as it does not deal with the fundamental questions, namely:-

(i) Whether the academic or technical qualifications prescribed for the post of Workshop Attendants occupied by Naresh Kumar or the private respondents are same or different?

(ii) Whether the nature of duties assigned to Naresh Kumar or the private respondents are totally identical?

(iii) Whether posts of the private respondents or Naresh Kumar are inter-transferable/inter-changeable?

(iv) Whether working hours of the private respondents and Naresh Kumar are same or different?

4.) We, thus, decline to interfere in the order passed by the Tribunal which has merely directed the petitioners to reconsider the claim of the private respondents with reference to the illustrative questions formulated hereinabove.

5.) Dismissed.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

August 03, 2015.

sandeep sethi