

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP No.5407 of 2013
Date of Decision: 15.01.2015.

Union of India & another

.....Petitioners

Versus

Malkit Singh & another

.....Respondents

CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Chugh, Advocate
for the petitioners.

None for the respondents.

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?*

SURYA KANT, J. (ORAL)

Union of India and its Commissioner, Central Excise Commissionerate, have laid challenge to the order dated 11.08.2011 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, whereby the claim of first respondent for “stepping up of pay” at par with that of his junior, has been allowed observing that the issue stands answered by the Tribunal in another case O.A. No.156-JK-2009 (Ashok Kumar vs. Union of India etc.).

We have heard learned counsel for the parties and gone through the record.

In our considered view, the learned Tribunal ought to have noticed the bare facts of the case in hand and drawn similarity with the facts of the case relied upon and then the Tribunal would have been will within

its right to dispose of the instant Original Application in terms of its previous order.

Since such an exercise has not been undertaken while passing the impugned order dated 11.08.2011 (Annexure P-1), we have no option but to set aside the same and remit the case to the Central Administrative Tribunal, Chandigarh Bench for its afresh adjudication. The parties shall be at liberty to raise their respective claims before the Tribunal.

The parties are directed to appear before the Tribunal on 19.02.2015.

Ordered accordingly.

(SURYA KANT)
JUDGE

15.01.2015
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(RAJ MOHAN SINGH)
JUDGE