

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Civil Writ Petition No.3447 of 2015

Date of Decision: February 26, 2015

Union Territory, Chandigarh and others .....Petitioners  
versus

Arun Kumar Kansal and another .....Respondents

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

Present:Mr.Parminder Singh Kanwar, Advocate,  
for the petitioners.  
Mr.R.K.Arora, Advocate, for respondent No.1 –  
Caveator.

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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?

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Surya Kant, J. (Oral)

The order dated 20.08.2014 passed by the Central Administrative Tribunal, Chandigarh Bench granting revised pay-scale to the first respondent at par to his counter-parts in the State of Punjab, is under challenge in this writ petition at the instance of the Chandigarh Administration.

[2] Since first respondent is on caveat, we have heard learned counsel for the parties and gone through the record.

[3] The undisputed facts are that the first respondent joined the petitioner-Administration as an Horticulture Inspector on 28.01.1978 and lastly he held the rank of Executive Engineer at the time of retirement on attaining the age of superannuation, w.e.f. 30.11.2011.

[4] It is undeniable that as per the statutory rules notified by the Chandigarh Administration, its employees/

officials are entitled to the pay-scale and service conditions at par with their counter-parts in the State of Punjab.

[5] Equally undisputed is the fact that pursuant to the interim directions issued by this Court in CWP No.23138 of 2010 (Dr.Naresh Kumar Kataria and others versus State of Punjab and others), the Government of Punjab, Department of Finance, vide notification dated 21.12.2011 (Annexure A-2) revised the pay-scales of various categories of officers/officials working in the Horticulture Department, Punjab. On production of the aforesaid notification, the above-stated writ-petition was disposed of vide order dated 05.01.2012 with liberty to the writ-petitioners to approach the Competent Authority for the grant of arrears of pay for a period of 38 months preceding the filing of writ petition.

[6] It is also an admitted fact that the Punjab Government notification dated 21.12.2011 revising pay-scales of the employees of Horticulture Department, has been adopted by the Chandigarh Administration.

[7] It was in this backdrop and relying upon the Punjab Government notification, its adoption by the U.T. Administration and the decision of this Court in Dr.Naresh Kumar Kataria's case (supra), that the first respondent approached the Tribunal for the grant of same pay-scale as was admissible to his counter-parts in the Horticulture Department of Punjab State.

[8] The Tribunal has vide the impugned order accepted his claim of-course for fixation of his pay in the revised pay-scale notionally, followed by payment of arrears from the date of issuance of the notification.

[9] The solitary contention raised on behalf of the petitioner-Administration is that since the Punjab Government while revising the pay scales of employees of Horticulture Department vide notification dated 21.12.2011 or this Court in Dr.Naresh Kumar Kataria's case (supra), have not generalized those pay scale(s) and rather restricted the same qua the writ petitioners only, hence the first respondent is not entitled for the same.

[10] We do not find any substance in the contention for more than one reasons. Firstly, the notification dated 21.12.2011 (Annexure A-2) is general in nature and has been issued by the Department of Finance, Government of Punjab. It covers and applies to all the employees of Horticulture Department, Punjab and not qua the writ petitioners only in the case of Dr.Naresh Kumar Kataria's case (supra). Secondly, the directions issued in Dr.Naresh Kumar Kataria's case (supra) were followed by this Court later in the case of Ashwani Kumar Kapoor and others versus State of Punjab and others decided on 08.05.2012 and in compliance thereto, the Government of Punjab, Department of Agriculture, passed a self-speaking order dated 17.12.2012 (Annexure A-5), the relevant part whereof reads as follows:-

“...5. That as per the advice issued by the Finance Department in the case of CWP No.23138 of 2010 (Naresh Kumar Kataria versus State of Punjab), the Director of Horticulture, Punjab has been entrusted with the power of granting higher pay scale to the officers of the Horticulture Departments after completion of 4/9/14 years of service

and higher pay scale are being granted to these officer/retired officers by him.....”

[11] The above reproduced directions, in our considered view, are general in nature and apply with equal force to all the employees of Horticulture Department without any discrimination.

[12] Since the first respondent is entitled to seek parity with his counter-parts in the State of Punjab for which the Administration has admittedly notified the statutory rules, no exception can be taken to the view formed by the Tribunal.

[13] No case to interfere with the order passed by the Tribunal is made out.

[14] Dismissed.

[SURYA KANT]  
JUDGE

*February 26, 2015*  
*Mohinder*

[RAJ MOHAN SINGH]  
JUDGE