

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.8346 of 2014
Date of Decision: January 27, 2015

Union of India and othersPetitioners
versus
Vinit Jain and othersRespondents

[2] Civil Writ Petition No.11978 of 2014

Union of India and othersPetitioners
versus
Ankit Sud and othersRespondents

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

Present:Mr.Namit Kumar, Advocate and
Mr.Karminder Singh,Advocate,for the petitioners
Mr.Aman Chaudhary, Advocate
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)

This order shall dispose of Civil Writ Petition
Nos.8346 and 11978 of 2014 as common questions of law and
facts are involved in both these cases.

For brevity, the facts are being extracted from CWP
No.8346 of 2014.

[1] Union of India and its authorities including the
Controller General of Defence Accounts etc., have impugned
the order dated 20.12.2013 passed by the Central
Administrative Tribunal, Chandigarh Bench, whereby claim of
the respondents regarding re-fixation of their pay has been

directed to be decided afresh in a time bound manner keeping in view the decision of Central Administrative Tribunal, Allahabad Bench in OA No.293 of 2011 Neeraj Kumar Srivastava and others versus Union of India and others decided on 09.08.2013.

[2] We have heard learned counsel for the parties and gone through the paper-book.

[3] The grievance of the respondents before the Tribunal was regarding fixation of their pay in the revised pay band of Rs.9300-34800 with grade pay of Rs.4800/-. The Tribunal though did not examine the individual claim of the respondents but vide its impugned order has observed that such a controversy already stands decided by its Allahabad Bench in Neeraj Kumar Srivastava and others' case (supra). The Tribunal accordingly set-aside the order rejecting the representation of the respondents and has directed the petitioners to re-consider their claim for fixation of their basic pay in the light of the above-cited decision of Allahabad Bench of the Tribunal in Neeraj Kumar Srivastava and others' case (supra).

[4] It is not in dispute that the decision of Allahabad Bench of the Tribunal in Neeraj Kumar Srivastava and others' case (supra), is under challenge before the Allahabad High Court but due to non-grant of any interim stay, the same has been implemented subject to final outcome of the writ petition.

[5] Since in the instant case the Tribunal has merely directed the petitioners to re-consider the claim of respondents regarding fixation of their basic pay, having regard to the observations made in Neeraj Kumar Srivastava

and others' case (supra), we are of the considered view that no serious prejudice is caused to the petitioners as the Competent Authority can re-consider and decide the respondents' claim in accordance with law.

[6] Suffice to observe that if the Competent Authority finds that the claim of the respondents is identical to that of Neeraj Kumar Srivastava and others and if it is inclined to grant relief to them, it shall be at liberty to grant the same subject to outcome of the petitioners' writ petition in the Allahabad High Court. In other words, if the view taken by the Tribunal in Neeraj Kumar Srivastava and others' case (supra) is upset by the Superior Court, the respondents can also be bound down by that view. The Competent Authority would also consider the decisions of other Benches of the Tribunal/High Courts including the view taken by Andhara Pradesh High Court in CWP No.16002 of 2014 where such an identical and similar issue has been consider and decided.

[7] Let the Competent Authority pass an appropriate order within a period of three months from the date of receiving a certified copy of this order.

[8] Ordered accordingly.

[9] Dasti.

[SURYA KANT]
JUDGE

January 27, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE

206 CM No.13270 of 2014 in
CWP No.8346 of 2014

- - -

Union of India and others vs. Vinit Jain and others

Present : Mr.Namit Kumar, Advocate,
for the non-applicant-petitioners.
Mr.Aman Chaudhary, Advocate,
for the applicant-respondents.

* * *

For the reasons mentioned in the application, the
same is allowed and with the consent of learned counsel for
the parties, the main case is taken on Board for final disposal.

CM stands disposed of.

(SURYA KANT)
JUDGE

January 27, 2015

Mohinder

(RAJ MOHAN SINGH)
JUDGE