

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17319-2016 (O&M)

Date of decision: 12.12.2016

Union of India and others

..... Petitioners

Versus

Central Administrative Tribunal, Chandigarh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. PC Goyal, Advocate for the petitioners.

RAMENDRA JAIN, J.

1. The Union of India by way of instant Civil Writ Petition under Articles 226/227 of the Constitution of India has sought a writ in the nature of Certiorari for quashing the impugned order dated 10.02.2016 (Annexure P-3) passed by the Central Administrative Tribunal, Chandigarh (for short 'the Tribunal'), whereby the petitioners have been directed to step up the pay of respondent No. 2-Khiali Ram at par with his juniors while allowing his Original Application No. 060/00847/2014.

2. The sole question for adjudication before the Tribunal was whether respondent No. 2 was entitled for stepping up of his pay equal to that of his juniors, namely, Dharm Singh and Chhitar Singh getting higher pay than him, which was replied in affirmative vide impugned order dated

respondent No. 2.

3. The controversy raised in this writ petition is no longer *res integra* as the same already stands settled by the Apex Court in Commissioner and Secretary to Government of Haryana and others Vs. Ram Sarup Ganda and others, (2007) 2 SCT 476 and Punjab State Electricity Board and others Vs. Gurmail Singh, 2008 (3) SCT 18 whereby it has been held that seniors are entitled to step-up in their pay scales as a general rule as and when any junior gets fixed in a pay scale higher to him on account of grant of ACO scale. Similar writ petition bearing **CWP-2271-2010** has also been dismissed by the High Court of Jammu and Kashmir at Jammu while relying upon the aforesaid judgments of the Apex Court.

4. Learned counsel for the petitioners has fairly conceded that the aforesaid judgment of the Jammu & Kashmir High Court has been affirmed by the Apex Court as Special Leave Petition has been dismissed and the matter in dispute is squarely covered by the ratio of judgments in Ram Sarup Ganda and Gurmail Singh's cases (supra).

5. Consequently, finding no merit in the writ petition, the same is hereby dismissed.

(RAMENDRA JAIN)
JUDGE

December 12, 2016
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(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No