

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 5515 of 2016 (O&M)

Date of decision : 22.3.2016

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Union of India and others

.....Petitioners

vs.

Central Administrative Tribunal and others

.....Respondents

**Coram: Hon'ble Mr. Justice Surya Kant  
Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. P.C. Goyal, Advocate for the petitioners.

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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?*

**P.B. Bajanthri, J.**

The petitioners – Union of India and others have questioned the validity of order dated 8.10.2015 (Annexure P-3) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'Tribunal') in O.A.No. 060/00391/2015.

(2) Respondents No. 2 and 3 are working as Mate in the office of Garrison Engineer (Utility), Bathinda (Pb.). They had requested for implementation of order dated 24.1.2014 passed by the Tribunal in OA No. 060/00066/2014. The department vide communication dated 6.5.2014 informed them that they are not entitled to the relief sought in OA No. 060/00066/2014 as their appointment to the post of Mazdoor is not based on Recruitment

Rules, therefore, there is no justification in treating their appointment as MPA and that raising such an issue after 15 years was not justified. Feeling aggrieved by the communication dated 6.5.2014, respondents No. 2 and 3 preferred application before the Tribunal, which was numbered as OA No. 060/00391/2015. The same was heard, allowed in part, while directing the petitioners to accord the benefit of decision in OA No. 666/PB/2008 to the respondents No. 2 and 3 and to treat them as MPA/Lineman w.e.f. 26.6.1998, the date on which they were appointed as Mazdoors. The Tribunal, while taking note of the delay on the part of respondents No. 2 and 3 has restricted the arrears of pay to a period of 18 months prior to the date of filing of OA. The petitioners aggrieved by the order of Tribunal dated 8.10.2015, have filed this writ petition.

(3) The main contention of the petitioners is that there was an inordinate delay in seeking grievance at par with the decision passed in OA No. 666/PB/2008 dated 26.6.1998.

(4) It is true that the respondents No. 2 and 3 approached the Tribunal belatedly to treat them as MPA/Lineman w.e.f. 26.6.1998. The Tribunal took note of such delay and has restricted arrears of pay to the period of 18 months prior to the date of filing of the the Original Application in January 2014.

(5) The petitioners having accepted and implemented the decision of the Tribunal passed in OA No. 666/PB/2008 and have granted the status of MPA/Lineman w.e.f. 26.6.1998 to the applicants of that case. The decision relates to treating those Mazdoors as

MPA/Lineman who were appointed in the year 1998, therefore, the principle laid down by the Tribunal, will uniformly apply to each Mazdoor working in the petitioner's department. In fact, the petitioners could have suo moto taken a decision to extend the benefit of the decision in OA No. 666/PB/2008 as a model employer instead of driving each and every Mazdoor to the Court to treat them as MPA/Lineman w.e.f. 26.6.1998. In this regard, the Apex Court, Courts and Tribunal have held that if a general principle is laid down, in so far as extending service benefits to an employee, the same shall be extended to each and every similarly situated employee. Moreover, in the present petition, we have noticed that juniors to respondents No. 2 and 3 were extended the service benefit of equating Mazdoors as MPA/Lineman. Therefore, even if there is a delay in approaching the Tribunal by the respondents No. 2 and 3, that would not come in the way of extending the benefit which has been granted to similarly situated junior employees of respondents No. 2 and 3. That apart, the earlier decision has been affirmed by the Apex Court. Therefore, there is no infirmity in the order dated 8.10.2015 passed in OA No. 060/00391/2015.

(6) Accordingly, the writ petition stands dismissed.

(7) No order as to costs.

( **Surya Kant** )  
Judge

( **P.B. Bajanthri** )  
Judge

**22.3.2016.**  
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