

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.9109 of 2016

Date of Decision: May 11, 2016

Narinder Singh and anotherPetitioners

versus

Union of India and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Rohit Seth, 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?

Surya Kant, J. (Oral)

The petitioners approached the Central Administrative Tribunal, Chandigarh Bench seeking quashing of an order dated 30.01.2015 with a further direction to grant the benefit of the judgment dated 13.08.2012 rendered by the High Court of Jammu and Kashmir in the case of similarly placed employees.

[2] The controversy before the High Court of Jammu and Kashmir as well as the Tribunal in the instant case, was for extending the benefits of SRO 38 dated 18.12.2009 whereunder the trade of 'Tailor' was placed amongst the 'skilled workers'. The Jammu and Kashmir High Court dealt with the issue as to whether the benefit of being categorized as a 'skilled worker' was restricted from the date of issuance of SRO 38, i.e., dated 18.12.2009 or from 01.11.1984, namely, the

date fixed by different Benches of the Tribunal while accepting such claim. The Jammu and Kashmir High Court, thus directed that the writ-petitioners before it be granted the benefit of SRO-38 w.e.f. 01.11.1984, holding that if such benefit was restricted from the date of issuance of SRO-38, it would lead to artificial classification between similarly placed skilled workers. The J&K High Court further directed that the consequential arrears be paid for a period of 18 months only.

[3] The Original Application filed by the petitioners has been disposed of by the Tribunal with the following directions:-

“..... In view of the above discussion, the impugned orders dated 30.01.2015 & 31.01.2015 are quashed. We hold that the benefit of being categorized as skilled category as has been granted to the similarly placed persons in the Tribunal's orders and in particular order of the High Court of Jammu & Kashmir dated 13.08.2012 in the case of Mansoor Ahmed Qadri & others versus Union of India and others, be extended to the applicants before us to the extent of their being categorized as skilled and if this entails any financial benefit that may also be granted to them. However, the arrears, if any, will be restricted to 18 months from the date preceding the date of filing of the present OA. The respondents are directed to do the needful within 3 months from the receipt of a certified copy of this order. Any other claim for promotion to highly skilled or categories of

above highly skilled has to be granted strictly as per rules in this regard and the Tribunal also refrains from giving any direction to the respondents in this matter except that this must be done as per rules, regulations and administrative instructions prevailing in this respect.....”

(emphasis applied)

[4] In our considered view, the relief sought by the petitioners based upon the judgment of J&K High Court has been fully granted to them by the Tribunal though with the same rider that if it entails any financial benefit that may be granted to them with arrears, for 18 months from the date preceding the date of filing of the Original Application.

[5] As regard to further claim of the petitioners for promotion to highly skilled category, the Tribunal has rightly observed that the same shall be considered strictly as per rules. We do not find any infirmity in the order passed by the Tribunal. However, if while giving effect to the Tribunal's order the petitioners find that their pay has not been correctly fixed in the manner as it ought to have been fixed pursuant to the order passed by the J&K High Court, they shall be at liberty to re-agitate the issue before the Tribunal.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 11, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE