

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1967 of 2017 (O&M)

Date of Decision: 02.02.2017

State of Punjab

... Petitioner

VS.

Narinder Singh, IAS (Retd.) & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Ms. Munisha Gandhi, Addl. AG Punjab

SURYA KANT, J. (Oral)

(1) The State of Punjab assails the order dated 11.04.2016 vide which Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') accepted the claim of the first respondent in part and has held him entitled to stepping of pay at par with his juniors and for consequential re-fixation of pension. The Tribunal has directed that pay of the first respondent shall be notionally stepped up w.e.f. 01.01.1996 and he shall be paid the actual arrears of difference of pension only for the period commencing 18 months preceding the date of filing of the OA on 08.10.2015.

(2) Having heard learned Addl. AG Punjab in support of this appeal, we do not find any merit therein. The Tribunal has categorically held that the first respondent was senior to Harjit Singh etc. at all stages in the State Civil Service i.e. PCS as well as in IAS.

(3) It was also an undisputed fact that Harjit Singh etc. were getting higher pay scale/pay than the first respondent even in IAS. The Tribunal has thus held it to be a case of pay anomaly and the first respondent has been found entitled to the benefit of stepping up of his pay at par with his juniors.

(4) The main plea taken by the State is that the OA suffered from

case after 15 years of the perceived anomaly. We do not find any substance in the contention, for the anomaly in pay fixation has resulted into loss of pension every month to the first respondent and thus it was a case of recurring cause of action. Nevertheless, the Tribunal has taken care of the delay factor as the relief granted to respondent No.1 is on notional basis only. The actual arrears have been granted, only for 18 months preceding the date of filing of the Original Application.

(5) For the reasons afore-stated, we do not find any merit in this appeal and the same is accordingly dismissed.

(Surya Kant)
Judge

02.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No