

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2341-2017

Date of Decision: February 08, 2017

Gurdial Malhotra and others

.....Petitioners

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Jagdeep Jaswal, Advocate
for the petitioners.

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SURYA KANT, J.

The petitioners have laid challenge to the order dated 01.06.2016 whereby the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, 'the Tribunal') has turned down the claim for stepping up their pay at par with Gurdas Ram, who was junior to them.

[2] The facts are not in dispute. The petitioners as well as Gurdas Ram served the respondent-Department as Auditors and then as Senior Auditors. The petitioners were seniors to Gurdas Ram in both the cadres.

[3] Equally admitted is the fact that Gurdas Ram had earlier worked in Beas Construction Board (for brevity, 'the Board') before his appointment in the respondent-Department. His claim for protection of pay was allowed by the Courts and that judgment attained finality. Resultantly,

the Department had to protect the pay of Gurdas Ram drawn by him in the Board. For this reason alone, Gurdas Ram started getting higher emoluments than the petitioners.

[4] The petitioners then approached the Tribunal seeking a direction for stepping up their pay at par with Gurdas Ram.

[5] As the facts would speak for themselves it was not a case where the Department at its own fixed the pay of Gurdas Ram higher than the petitioners. In another words, the Department did not take any step to create pay anomaly. It was the right of Gurdas Ram to seek protection of the pay drawn by him in Board, which was enforced by the Court of law and which the Department was duty bound to comply with. We are, thus, in full agreement with the Tribunal that in this factual background, Gurdas Ram constitutes a class apart and the petitioners cannot claim parity with him.

[6] Dismissed.

**(SURYA KANT)
JUDGE**

February 08, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No