

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 11.12.2017

1. CWP No.3430 of 2017(O&M)

Union of India and others	Petitioners
Vs	
Sanjeev Dhar and others	Respondents

2. CWP No.3923 of 2017(O&M)

Union of India and others	Petitioners
Vs	
Munish Kumar and others	Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. Satya Pal Jain, Additional Solicitor General with
Mr. Namit Kumar, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CWP No.3430 of 2017 titled Union of India and others Vs. Sanjeev Dhar and others and CWP No.3923 of 2017 titled Union of India and others Vs. Munish Kumar and others are being disposed of as common questions of law and facts are involved therein.

[2]. Petitioners have assailed the order dated 04.11.2015 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'The Tribunal) whereby action of the petitioners in not granting the grade pay of Rs.5400/- in PB

Rs.9300-34800/- to the respondents on completion of four years of service in the pay scale of Rs.6500-10500/- (Revised to Rs.7500-12000/-) grade pay of Rs.4800/- was declared to be illegal and unjustified.

[3]. The Tribunal allowed the original applications of the respondents. The clarification dated 11.02.2009 to earlier notification dated 21.11.2008 was quashed, however a rider was imposed in view of pendency of SLP arising out of case titled **M. Subramaniam Vs. Union of India and others** which was pending in the Hon'ble Supreme Court. It was ordered that ultimate decision in **M. Subramaniam case (supra)** would apply and the decision was made subject to the outcome of the decision in the aforesaid case. The judgment of the Tribunal was based on the judgment of Madras High Court in **M. Subramaniam case (supra)**, wherein the clarification dated 11.02.2009 issued by the Ministry of Finance, Department of Revenue was held to be without any basis and it was held that the benefits accrued to the employees on the basis of notification dated 21.11.2008 could not be denied to the employees who had put in 4 years of continuous service in the pay scale of Rs.7500-12000 (pre-revised).

[4]. During course of hearing before us, it was candidly admitted by learned counsel for the petitioners that **Civil**

Appeal No(s).8883 of 2011 titled Union of India and others Vs. M. Subramaniam along with other connected SLPs have been dismissed by the Hon'ble Supreme Court vide order dated 10.10.2017.

[5]. In view of above, in our opinion, nothing survives in these writ petitions for consideration of the Court. No indulgence can be granted in favour of the petitioners. These writ petitions are accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

11.12. 2017

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No