

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.199 of 2016 (O&M)
Date of Decision : 13.03.2018

Postgraduate Institute of Medical Education and Research, Chandigarh

....Petitioner(s)

Versus

Central Administrative Tribunal, Chandigarh Bench and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT

Present : Mr.Amit Jhanji, Advocate for the petitioner(s)

Mr. Aman Chaudhary, Advocate for respondent

MAHESH GROVER, J.(ORAL)

Learned counsel for the petitioner contends with reference to the impugned order that there is one anomaly which need to be corrected; that the applicability of the pay scale granted in the case of one Tejinder Singh and others vs. Post Graduate Institute of Medical Education and Research, Chandigarh on the basis of which the case of the present respondents has also been decided would need to be corrected. In Tejinder Singh's case higher scale was granted w.e.f 1.1.2006 whereas the present

respondents seek the benefit on the basis of ACP enabling them to higher

pay scale in the event of no promotion coming to their way after completion of 12 years and 24 years of service.

Learned counsel for the respondent readily concedes to say that they would only be entitled to the higher pay scale with effect from the date when incumbents complete the requisite period of service in terms of the ACP i.e 12 years and 24 years of service.

We therefore modify the impugned order to that extend.

Learned counsel for the petitioner then contends that Tejinder Singh's case enabled those incumbents before the Tribunal to higher pay scale as is admissible to similar employees working in All India Institute of Medical Sciences but the ratio in the said case would not be attracted to the case of the respondents as they had never actually worked on the post of senior scale stenographer/Assistant.

We do not agree with the afore-said contention for the simple reason that the present respondents are not seeking any parity with the employees of AIMS but merely state that if Senior Scale Stenographer/Assistant have been admitted to higher pay scale, the existing pay structure would also be applicable to them in the event of their completing 12 and 24 years of service in terms of the ACP scheme which does enable them to higher pay structure equivalent to Senior Scale Stenographer/ Assistant.

We thus find no merit in the petition for the simple reason that once the pre-existing scale has been substituted by higher pay structure, the same would necessarily flow to the present respondents but in terms of the scheme i.e after completing requisite period of service. Hence, instant

petition is hereby dismissed. Consequential benefits shall flow to the respondents as expeditiously as possible, preferably within a period of six months from the date of receipt of the certified copy of the order.

(Mahesh Grover)
Judge

13.03.2018
rekha
Whether speaking/reasoned
Whether reportable

(Rajbir Sehrawat)
Judge
Yes/No
Yes/No