

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

CWP No.22792 of 2018 (O&M)

Date of decision: 19.11.2018

Union Terriotry, Chandigarh and others

.. Petitioners

VS

Central Administrative Tribunal, Chandigarh and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajiv Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present:- Mr. Amit Jhanji, and Ms. Sukhmani T. Patwalia, Advocates,
for the petitioners.

Rajiv Sharma, J.

The petitioners have challenged the order dated 25.01.2018 rendered by Central Administrative Tribunal, Chandigarh Bench (for short 'the Tribunal') passed in O.A. No.60/01117/2016.

Respondent No.3 had filed the Original Application seeking grant of Central Pay Scale of ₹ 5500-9000 with effect from 1.1.1996 senior scale of ₹ 6500-10500 on completion of 12 years of service and Selection Grade of ₹ 7500-12000 on completion of 24 years of service in terms of the policy dated 8.2.1989. Respondent No. 3 had placed reliance upon the orders passed by the Tribunal in OA No. 178-CH-2003 titled as Surinder Kumar vs. Union of India and others and OA No. 496/PB/2006 titled as Harinder Pal Singh vs. Union of India and others, upheld by this Court. The petitioner thereafter filed SLP before Hon'ble the Supreme Court of India, which was dismissed. Learned Tribunal has also relied upon the

earlier order passed in OA No.1063-CH-2002 decided on 7.12.2007 which is as under:-

“25. In view of the above discussion, it is held that the category of the applicants is entitled to the pay scale of Rs1400-2600 as entry scale, Rs. 1640-2900 as Senior Scale on completion of 12 years of service and scale of Rs. 2000- 3500 after 24 years of service, in terms of the decision dated 8.2.1989, or other scales on Central pattern as claimed in these O.As, on the basis of which earlier decision was rendered by this Tribunal and was upheld even by the Hon'ble Supreme Court of India. There is no relevancy of qualification for being entitled to such scales, as such exemption is available to the category of the applicants in terms of conscious decision in para 2 of letter dated 8.2.1989 that higher qualifications are to be applied to fresh incumbents only. If any recovery has been made from any of the applicants, the same shall be refunded to them. Necessary orders be passed within a period of three months from the date of receipt of copy of this order.”

The case of respondent no. 3 is squarely covered by judgment cited above. There is no merit in the present petition. Accordingly, the same is dismissed.

(Rajiv Sharma)
Judge

19.11.2018
atul/vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No