

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 280 of 2018(O&M)

Date of decision: 26.11.2018

Narata Ram

.. Petitioner

vs.

Union of India and others

.. Respondents

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

Present:- Mr. D.R. Sharma, Advocate
for the petitioners.

Mr. Rajiv Sharma, Advocate
for the respondents

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Rajiv Sharma, J.

Reply filed on behalf of respondents No.1 to 4 in Court is permitted to be taken on record.

The petitioner has sought judicial review of order dated 10.01.2014 rendered by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No. 1047-PB of 2011 whereby the Original Application was dismissed and order dated 04.03.2014 whereby the review application preferred by the petitioner was dismissed.

The brief facts necessary for the adjudication of the present petition are that the petitioner had sought modification of Annexure A-3 dated 03.07.2003 and Annexure A-4 dated 09.07.2003 to the extent whereby his pay was fixed in the pay scale of Rs.1200-1800 on notional basis. He prayed that he should have been given actual monetary benefits. It appears from the record that the petitioner had made a representation, which was

rejected on 22.10.2010. The Original Application was contested by the respondents, which was dismissed on the ground of limitation. The petitioner had filed review application against the impugned order dated 10.01.2014, which was also dismissed on 04.03.2014.

We are of the considered view that the petitioner has continuous cause of action. According to him, he should have been given the actual monetary benefits instead of notional benefits. It was the case of the petitioner that he has worked in the pay scale of Rs.1200-2040 w.e.f. 27.02.1992 and Rs.4500-7000 w.e.f. 01.01.1996.

The Tribunal has taken hyper-technical view in the matter. The *lis* has to be decided on merits instead of dismissing the Original Application on the ground of limitation. In view of Article 300-A of the Constitution of India, no person can be deprived of his salary except by authority of law.

Accordingly, the writ petition is allowed and the impugned orders dated 10.01.2014 and 04.03.2014 are quashed. The matter is remitted back to the Tribunal to decide the *lis* afresh in accordance with law within a period of three months from today.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

26.11.2018
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No