

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

CWP No. 3125 of 2017(O&M)

Date of decision: 19.11.2018

Mohan Singh

.. Petitioner

VS

Union of India and others

.. Respondents

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

Present:- Mr. Rohit Sethi, Advocate, for the petitioner.
Mr. P.C. Goyal, Advocate, for the respondents.

Rajeev Sharma, J.

The petitioner has sought judicial review of the order dated 27.1.2017 rendered in OA No. 060/00200/2016 of the Central Administrative Tribunal, Chandigarh Bench.

Brief facts, necessary for adjudication of the present writ petition, are that the petitioner joined on regular basis as Driver under Ministry of Agriculture, All India Soil and Land use Survey, Delhi Regional Centre on 12.11.1973. He was promoted as Driver-cum-Mechanic from scale of ₹ 950-1400 to ₹ 1150-1500. Thereafter, he joined Doordarshan Kendra, Jalandhar. He was placed on the bottom of the seniority list. There was prolonged litigation of the similar situated persons. He was promoted

on 25.2.2005 with effect from 1.8.1993 as Driver Grade-I. His salary was re-fixed as per the judgment of Karnataka High Court in W.P. No. 15008 of 2000 (S-CAT) dated 16.4.2004. He was also given the benefit of MACP on 13.2.2013 with effect from 8.5.2010. He was placed in the pay scale of ₹ 9300-34800 with grade pay of ₹ 4,200. He retired on 30.9.2014.

The pay of the petitioner was re-fixed vide order dated 17.10.2014 without hearing him. Thereafter, he approached this Court. The writ petition was disposed of. Liberty was granted to the writ petitioner to challenge the order passed by the respondents. Respondents were directed to follow the principles of natural justice. The petitioner due to his ignorance could not file the reply. The fact of the matter is that his pay was re-fixed with effect from 7.1.1994.

The petitioner has neither misled nor made any misrepresentation at the time when his pay was re-fixed. He was also granted benefit of MACP on the basis of length of service on 13.2.2013 with effect from 8.5.2010.

The learned Tribunal has erred in law by overlooking these facts. The learned Tribunal should have permitted the benefits of MACP, which according to us, has rightly been granted to the petitioner on 13.2.2013 on the basis of length of service. The petitioner retired on 30.9.2014. He has started drawing pension on the basis of his earlier revised pay and MACP.

Accordingly, the writ petition is allowed. Impugned order dated 27.1.2017 and order dated 28.1.2016, are set aside. The respondents are directed to release the pension to the petitioner on the basis of fixation of his pay in the pay scale of ₹ 9300-34800 and also by granting MACP to him

with effect from 8.5.2010 within a period of ten weeks from today along
with interest @ 9% per annum.

(Rajeev Sharma)
Judge

19.11.2018
dinesh/vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No