

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29248-2018(O&M)
Date of decision : 20.11.2018

Harbans Kaur

..... Petitioner

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJEEV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Jagdeep Jaswal, Advocate for the petitioner.

RAJEEV SHARMA, J. (ORAL)

Petitioner has sought limited judicial review of order dated 27.07.2017 rendered by Central Administrative Tribunal, Chandigarh Bench, Chandigarh in OA No. 060/00525/2016.

Notice of motion.

On asking of the Court, Mr.P.C.Goyal, Advocate, present in Court, accepts notice on behalf of the respondents.

The facts necessary for the adjudication of this petition are that the petitioner joined the respondent-department as Caneman on 30.11.1984 in the pay scale of Rs. 210-290 which was revised to Rs. 800-1150 w.e.f. 1.1.1986. It was further revised to Rs. 2650-4000 w.e.f. 1.1.1996. On the implementation of ACP Scheme, the petitioner was granted first ACP in the pay scale of Rs. 3050-4590. The petitioner was granted second ACP in the pay scale of Rs. 4000-6000 on completion of 12/24 years of service respectively. It is a matter of fact that the petitioner belongs to semiskilled

category. However, fact of the matter is that on the implementation of third ACP, the category of Caneman was not considered to be included in the skilled category. Similarly situated persons have filed Original Applications. Their Original Applications were allowed. Original Application filed by the petitioner was also allowed vide order dated 27.07.2017 and the petitioner was ordered to be treated as skilled category in the pay scale attached to that post. Consequently, the impugned order was quashed and set aside and the respondents were directed to grant the petitioner pay scale of skilled grade Caneman from the date of filing of Original Application.

The petitioner has drawn the attention of the Court to earlier order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh passed in OA No. 061/00024/2014 decided on 19.03.2015 and OA No. 061/00014/2014 decided on 16.10.2014. In these two cases the petitioners therein have been granted the benefit of skilled grade from the date of their initial appointment. Similarly situated persons cannot be treated unequally. It is a case of invidious discrimination.

Accordingly, the petition is allowed and the order dated 27.07.2017 is modified by directing the respondents to grant pay scale of skilled grade Caneman to the petitioner from the date of his initial appointment within a period of ten weeks from today.

(RAJEEV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

20. 11.2018
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