

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 4907 of 2018(O&M)
Date of Decision: 28.11.2018

The Chandigarh Administration, UT Chandigarh and ors.

.. Petitioners

vs.

Central Administrative Tribunal, Chandigarh Bench, Chandigarh and ors.

.. Respondents

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

Present:- Ms. Deepali Puri, Advocate
for the petitioners.

Mr. Rohit Kumar, Advocate
for respondent Nos.2 to 42.

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Rajiv Sharma, J.

The petitioners have laid challenge to the order rendered by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No. 060-01136-2016 decided on 26.09.2017.

The brief facts necessary for the adjudication of the petition are that the private respondents had made representations on the basis of the judgment rendered by this Court in **Narotam Singh and ors. vs. Union of India (CWP No. 5902/2009 dated 10.07.2014).** The representations made by the respondents were rejected. It led to filing of Original Applications before the Tribunal on the basis of judgment rendered by this Court in CWP No. 5902 of 2009.

The fact of the matter is that the respondents in the present case and the petitioner in **Narotam's case(supra)** were working in the same cadre as Tubewell Operators. The judgment rendered by this Court was upheld by the Hon'ble Supreme Court in SLP No. 7226/2015 dated 16.03.2015. Equals cannot be treated as unequals. Hon'ble the Supreme Court in **State of Uttar Pardesh and others vs. Arvind Kumar Srivastava and ors. 2015 (1) SCC 347** has held that the similarly situated persons should be given the same benefit. Similar is the ratio of the judgment in the case of **State of Karnataka and others VS. C. Lalitha (2006) 2 SCC 747,** their Lordships of Honble the Supreme Court have held that service jurisprudence evolved by this Court from time to time postulates that all persons, similarly situated should be treated similarly. Only because one person has approached the Court that would not mean that persons similarly situated should be treated differently.

Accordingly, there is no perversity and illegality in the order impugned and the writ petition is dismissed.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

28.11.2018
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No