

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

CWP-13993-2019 (O&M)
Date of decision:- 03.12.2019

Union of India and another

...Petitioners

Versus

Smt. Kamlesh Sharma and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Mr. Prateek Mahajan, Advocate,
for the petitioners.

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioners are impugning the order of the Central Administrative Tribunal dated 15.02.2018.

It is their contention that stepping up and allowances which are admissible to the private respondents could not form a part of the pay to be counted for the purpose of pension.

It is not disputed that a similar petition CWP-24447-2017 has already been dismissed on 06.04.2018.

After hearing the learned counsel for the petitioners and perusing the impugned order, we are of the opinion that the argument advanced by the learned counsel for the petitioners does not stand the scrutiny of logic for the simple reason that the pay and allowances referred to by the petitioners were indeed a measure of stepping up of pay to correct the anomaly which existed resulting in the juniors getting more pay than the seniors. Once this anomaly was corrected by stepping up of pay, it would naturally become the inherent part of the pay

structure admissible to such employees. If the argument of the petitioners is accepted then withdrawal of these benefits would result in the reversion of the anomaly which could never have been the intent. We thus do not find any reason to interfere.

Dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

03.12.2019

Anodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No