

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 17895 of 2012 (O&M)
Date of Decision: 07.01.2019

Chandigarh Administration and others .. Petitioners
vs.

Central Administrative Tribunal, Chandigarh Bench, Chandigarh and
anotherRespondents

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

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

Mr. H.S. Saini, Advocate for
Mr.D.R. Sharma, Advocate
for respondent No.2.

-

Rajiv Sharma, J.(Oral)

The petitioner has laid challenge to order dated 20.10.2011 rendered by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No. 832-CH-2010.

Learned counsel appearing on behalf of the petitioners relies upon a judgment rendered by Hon'ble the Supreme Court of India in Civil Appeal No. 9873 of 2013, titled as ***U.T. Chandigarh and others vs. Gurcharan Singh and anr., decided on 01.11.2013.***

Learned counsel appearing on behalf of respondent No.2 agrees that the present lis is covered by the judgment cited above.

Accordingly, the present writ petition is allowed. The impugned order is set aside.

However in order to balance the equities, since respondent No.2 has retired on 30.11.2006 and his pay having been revised as per the directions issued by the Tribunal, he has started getting his pension on the

basis of re-fixation of the pay as ordered by the Tribunal. The respondent belongs to the lowest strata of the society and his case is covered by the judgment rendered by Hon'ble the Supreme Court in 2015 (1) SCT State of Punjab and others vs. Rafiq Masih (White Washer) etc. we restrain the petitioners from effecting any recovery from the salary/pension of respondent no.2.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

07.01.2019
dinesh

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No