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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.03.05 13:39
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CWP-16978-2013 (O/M)
Date of decision : 28.2.2019

Union of India

..... Petitioner

Versus

Vinod Kumar Jhajharia, IFS, and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Puneeta Sethi, Advocate,
for petitioner.

None for respondents.

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KULDIP SINGH, J.

Union of India has moved this Court under Articles 226/227 of Constitution of India for issuing a writ in the nature of certiorari for quashing the impugned order dated 1.3.2013 (Annexure-P-4), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh, vide which respondent No. 1 has been granted benefit of induction into IFS by promotion with effect from 6.9.1990, the date when the vacancy became available and further consequential monetary and other service related benefits.

We have heard learned counsel for petitioner Union of India and have also carefully gone through case file.

None is present on behalf of respondent No. 1. Respondent No. 1 is reported to have died and his LRs have not come forward to come to pursue the case.

Respondent No. 1-applicant had claimed before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, that he should be granted benefit of induction into IFS with effect from 6.9.1990, the date when vacancy became available. It was noticed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh, that there is practice for grant of indicated benefit with effect from the date a vacancy became available. The applicant had also placed on file notification dated 11.9.2010 (Annexure-A-5), vide which similar benefit was given to other officers. It also comes out that, vide order dated 14.10.1997, passed in OA No. 1142-HR-1996, the Central Administrative Tribunal, had taken the view that benefit is to be made applicable from the date when vacancy became available. The said order has attained finality and has been implemented. Once the benefit has been granted to similarly situated employees, same could not be declined to applicant-respondent No. 1. There is no illegality or infirmity in the impugned order dated 1.3.2013 (Annexure-P-4), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh. Accordingly, petition is dismissed.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

28.2.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No