

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

(1) RA-CW No. 348 of 2019 (O&M) in
CWP No. 18581-CAT of 2008
Date of Decision: 07.02.2020

Union Territory, ChandigarhPetitioner

Versus

Pardeep Kumar and othersRespondents

(2) RA-CW No. 366 of 2019 (O&M) in
CWP No. 19809-CAT of 2008

Union Territory, ChandigarhPetitioner

Versus

Harinder Pal Singh and anotherRespondents

(3) RA-CW No. 411 of 2019 (O&M) in
CWP No. 19841-CAT of 2008

Union Territory, ChandigarhPetitioner

Versus

Dalip Singh and othersRespondents

(4) RA-CW No. 405 of 2019 (O&M) in
CWP No. 18152-CAT of 2002

Chandigarh Administration (U.T.)Petitioner

Versus

Ashokbir Singh and othersRespondents

(5) RA-CW No. 410 of 2019 (O&M) in
CWP No. 1374-CAT of 2009

Union Territory, Chandigarh

.....Petitioner

Versus

Sadhu Singh and another

.....Respondents

AND

(6) RA-CW No. 403 of 2019 (O&M) in
CWP No. 11546-CAT of 2008

Union Territory, Chandigarh

.....Petitioner

Versus

Surinder Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pankaj Jain, Sr. Standing Counsel, U.T., Chandigarh with
Ms. Madhu Dayal, Additional P.P., U.T., Chandigarh
for the applicant-petitioner(s) (in all cases).

SURINDER GUPTA, J. (ORAL)

[1] This common order shall dispose of the above-mentioned six (06) Review Applications moved by the applicant-petitioner(s) / U.T., Chandigarh, as the same relate to identical issue / prayer. For the facility of reference, facts are being culled out from *RA-CW No. 348 of 2019 in CWP No. 18581-CAT of 2008*.

[2] The applicant-U.T., Chandigarh (petitioner), by moving the Review Application (*RA-CW No. 348 of 2019*), is seeking modification / clarification of the judgment dated 07.03.2014 passed by this Court to the extent (i) that the benefit of the judgment will not

accrue to such C&V Teachers, who were not re-designated as Trained Graduate Teachers (TGTs) in terms of the Circular dated 08.02.1989; (ii) that the judgment did not permit of any change of original options, required to be furnished in writing by the employees, from the Central Pay Scales to Punjab Pay Scales or *vice versa*; and (iii) that the judgment did not vest any right of substantive promotions without any order of re-designation as Trained Graduate Teachers (TGTs).

[3] After hearing counsel for the applicant-petitioner / U.T., Administration, we find no clarification of the orders are required for the reasons as follows:-

(i) that the Court has decided that the withdrawal of the Circular dated 08.02.1989 vide subsequent Circular dated 08.05.2006 was illegal *qua* the respondents, who had already been extended the benefit under the Circular dated 08.02.1989 *qua* re-designation as TGTs.

(ii) The issue with regard to entitlement of a pay scale based on an option to select Punjab Scale or Central Government Pay Scale was never the issue raised or adjudicated upon, as the same shall be governed by options given in writing only.

(iii) The question of promotion to a particular post was also not the issue raised or adjudicated

upon. It is well accepted that a claim for promotion to a post has to be founded upon the relevant Recruitment Rules and not merely by re-designation, subject, of course, to the principles of delay and laches, as also law of limitation.

[4] In view of above, present **Review Applications** are hereby **disposed of**.

Since the main Review Applications have been decided, no orders are required to be passed in the pending miscellaneous application(s) and the same also stand(s) disposed of.

(JASWANT SINGH)
JUDGE

(SURINDER GUPTA)
JUDGE

February 07, 2020

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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>