

2025:PHHC:097362-DB



CWP-22473-2019 (O&M)

Date of Decision: 31.07.2025

Dr. Harjit Singh

...Petitioner

Vs.

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Himmat Singh Sidhu, Advocate for the petitioner.

Ms. Puneeta Sethi, Sr. Panel Counsel for respondent No.1.

Mr. Vikrant Sharma, Advocate for respondent No.2.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition has been filed challenging the order dated 31.07.2018, passed by the Central Administrative Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in Original Application No.060/00204/2017.

2. The Tribunal vide its order dated 31.07.2018, has rejected the claim of the petitioner for grant of higher grade of pay admissible to a central government employee.

3. The petitioner before this Court was initially appointed as Library Assistant in 1980. He was ultimately promoted to the post of Library and Information Officer in the pay scale of ₹ 8000-13500 vide order dated 25.05.2007. A claim was raised by the petitioner for payment of salary in the pay scale of ₹ 10,000-15200 admissible to Library and Information Officer,

as per the 6th pay commission. Schedule-III relating to scale of pay of staff at Postgraduate Institute of Medical Science, Chandigarh, has been relied upon for the purpose. According to the petitioner, he was entitled to the pay scale of ₹ 10,000-15200 and its denial was arbitrary. Such claim of the petitioner came to be considered by the competent authority and was rejected vide order dated 08.03.2008. On a representation made by the petitioner, his claim was again considered and rejected on 21.10.2010.

4. The petitioner continued to work and received salary in the pay scale of ₹ 8000-13500 till he superannuated on 30.04.2016. It is much after his retirement that an original application came to be filed by the petitioner before the Tribunal which has been rejected. The tribunal has taken note of the facts of the case according to which the post of Library and Information Officer fell vacant with the retirement of earlier incumbent in November, 1995. Though the post was advertised on repeated occasions as per the recruitment rules but no person was found suitable or available for such appointment. It was in this context that the department amended the recruitment rules vide notification dated 15.02.2006, whereby, the post of Library and Information Officer was downgraded to a post carrying pay scale of ₹ 8000-13500. The downgraded post was to be filled exclusively by way of promotion.

5. Pursuant to the amended rules, the promotion was offered to the petitioner on the post of Library and Information Officer, which now carry pay scale of ₹ 8,000-13500. The Tribunal came to the conclusion that on merits, the claim of the petitioner has been rejected for valid consideration and since the orders of rejection were not challenged, as such, filing of the

original application after retirement of the petitioner was found to be not maintainable.

6. Aggrieved by the order of the Tribunal, the petitioner is before this Court by way of the present petition.

7. Learned counsel for the petitioner submits that denial of pay scale as per petitioner's entitlement is a continuing cause and constitutes recurring loss which could be raised even after retirement. He submits that the Court could have appropriately modified the relief but the claim itself could not have been rejected.

8. The petition is opposed by learned counsel representing the Union of India and PGIMER, Chandigarh, who contend that the Tribunal for valid reasons has non-suited the petitioner in the original application.

9. The facts as have been noticed by the Tribunal are not in dispute.

10. It is undisputed that the post of Library and Information Officer was advertised and since no candidate was found suitable as such the employer i.e. PGIMER, Chandigarh, resolved to amend the rules by downgrading the post which was to carry lesser pay scale of ₹ 8,000-13500. Earlier, the post of Library and Information Officer was to be filled by way of direct recruitment but after carrying amendment in the rules, the post was to be filled exclusively by way of promotion. It was in terms of the amended rules that the petitioner was promoted to the post and was offered the pay scale which was admissible under the rules. The claim of the petitioner for higher pay scale was rejected in the year 2008 and 2010. These orders were never challenged. The amended rules were also never questioned.

11. In such circumstances, the Tribunal has rejected the claim of the petitioner on the ground of delay as also on merits.

12. We have perused the material on record and do not find any error or perversity in the view taken by the Tribunal. Once the post of Library and Information Officer has been downgraded to carry pay scale of ₹ 8000-13500 and the rules are not under challenge nor the orders rejecting the petitioner's claim are questioned, it would not be open for the petitioner to successfully lodge a claim.

13. We concur with the view taken by the Tribunal that the claim of the petitioner lacks merit and was otherwise grossly barred by laches. The writ petition has no legs to stand and is accordingly dismissed.

14. All pending misc. application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

31.07.2025

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No