



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.22752-2020

Date of decision: 15.10.2025

Union Territory, Chandigarh and Ors.

.....Petitioners

Versus

Komal Saini and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sanjiv Ghai, Advocate for the petitioner-UT Chandigarh.
Mr. Sandeep Siwatch, Advocate for respondent No.1.

HARSIMRAN SINGH SETHI, J (ORAL)

1. In the present petition, challenge is to order dated 06.05.2019 (Annexure P.3) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short "the Tribunal") vide which respondent No.1 has been extended the benefit of pay scale in accordance to the letter dated 08.02.1989, which benefit was extended to the similarly situated persons in OA No.060/1453/2018 and MA No.60/1890/2018 titled **Pardeep Kumar and Others vs. Chandigarh Administration and others** which judgment has already been upheld upto the Hon'ble Supreme Court.

2. Learned counsel for the petitioner argues that respondent No.1 herein, so as to be considered in the pay-scale as per the letter dated 08.02.1989 did not avail remedy when the same was availed by the Pardeep Kumar and Others, who are similarly situated employees to the petitioner and keeping in view the letter



that the order passed in **Pardeep Kumar's case (supra)** will only be applicable upon the applicants therein and will not be treated as precedent, hence the grant of the same benefit by the Tribunal in favour of respondent No.1 is incorrect and could not have been allowed.

3. Learned counsel for the petitioner further argues that after the judgment passed in **Pardeep Kumar's case (supra)** was upheld upto Hon'ble Supreme Court, a review petition was filed in the said case, which came up for hearing before the Division Bench and was decided on 07.02.2020 wherein it was mentioned that the benefit which was granted to the employees could not have been withdrawn, interpretation of which would mean that the same was only restricted to the applicants in **Pardeep Kumar's case (supra)** only and the grant of benefit by the Tribunal in favour of respondent No.1, is incorrect.

4. Learned counsel appearing for respondent No.1 submits that there is no differentiating factor between the applicants in **Pardeep Kumar's case (supra)** as well as respondent No.1 so far as service conditions are concerned and it is a conceded fact that respondent No.1 was also eligible for the benefit granted to similarly situated employees in **Pardeep Kumar's case (supra)** as per the terms and conditions of the order dated 07.03.2014 passed by the Division Bench in **Pardeep Kumar's case (supra)** and therefore once the said order has been upheld upto Hon'ble Supreme Court, grant of the same benefit by the Tribunal in favour of respondent No.1 is perfectly valid and legal.

5. Learned counsel appearing for respondent No.1 further submits that the Union of India has no jurisdiction to decide qua the aspect as to whether the judgment of a competent Court of law by which benefit has been granted to a set of employees, is to be restricted qua the petitioners in **Pardeep Kumar's case (supra)** as the same is jurisdiction of the Court whereas the competent Court of



letter dated 08.02.1989 who were in service upto 08.05.2006 and concededly respondent No.1 was the employee of the petitioner-UT, Chandigarh as of on 08.05.2006, therefore, the grant of benefit of pay scale in favour of respondent No.1 in terms of letter dated 08.02.1989 by the Tribunal is perfectly valid and reasonable.

6. We have heard learned counsel for the parties and gone through the case file with their able assistance.

7. It may be noticed that the issue as to whether withdrawal of the benefit which extended vide letter dated 08.02.1989, by the Chandigarh Administration vide letter dated 08.05.2006, was valid or not. The Division Bench of this Court, allowed the benefit in favour of the employees as extended vide letter dated 08.02.1989, while deciding CWP No.11546 of 2008 and other connected cases and held as under:

“27. The above discussion lead us to the following conclusions :-

(i) The respondents are entitled to the scale and status allowed to them vide letter dated 8.2.1989.

(ii) The circular dated 28.2.2002 (Annexure P-8) issued by the petitioners clubbing the initial, senior scale and selection grade allowed to the TGT vide letter dated 8.2.1989 into one scale of 5000-8000 was discriminatory and against all the principles of equality, equity, fair play, ethics and natural justice.

(iii) The letter dated 8.5.2006 (Annexure P-17) issued by the petitioners withdrawing the letter dated 8.2.1989 shall be implemented prospectively for those employees who have entered the service on or after the issuance of this letter and the petitioners, who were already in service, shall continue to be governed by the terms as mentioned in the letter dated 8.2.1989.

28. In view of the discussion above, we find no infirmity of law or fact in the order of the Tribunal in Original Application Nos. 178/CH/2003, 832/CH/98, 1063/CH/2002, 496/PB/2006, 49/CH/2003 and 250/PB/2004, so as to interfere with the same.

29. The writ petitions mentioned in the head-note are accordingly dismissed. However, respondents No.14, 20, 22, 34 and 37 (in CWP No.11546 of 2008), who have opted for Punjab Scales and



got deleted their names from the array of respondents, shall continue to get the scales opted by them.

8. A bare perusal of the above quoted extract of the judgment dated 07.03.2014 would show that in paragraph 27(iii), it has been held that letter dated 8.5.2006 vide which the benefit extended to the employees vide letter dated 08.02.1989 was withdrawn, was held to be prospectively applicable i.e the same would be only applicable on the employees who entered into service after 08.05.2006. The benefit, which was granted vide letter dated 08.02.1989 was extended to the original applicants in **Pardeep Kumar's case (supra)** by the Division Bench as all of them were the employees who were working in Chandigarh Administration and were held entitled for the benefit as per said letter dated 08.02.1989.

9. The said decision was challenged before the Hon'ble Supreme and on 20.07.2015, the Special Leave Petition was dismissed confirming the judgment of the Division Bench, the operative part of which is reproduced hereunder:

"Permission to file SLP granted.

Abatement is set aside.

Delay in filing substitution application is condoned.

Application for substitution is allowed.

Delay condoned.

The special leave petitions are dismissed."

10. Thereafter, the petitioner-UT Chandigarh considered the release of the benefit and all the applicants in **Pardeep Kumar's case (supra)** were granted the benefit, which got accrued to them vide letter dated 08.02.1989.

11. Even though respondent No.1 was also an employee, who was working with the petitioner-UT as of on 08.05.2006 and became entitled for the benefit keeping in view the order dated 07.03.2014 reproduced hereinabove passed by the Division Bench, but the said benefit was not extended to her which led to the filing of contempt petition by respondent No.1 wherein respondent No.1



was directed to firstly seek substantive relief from the competent court of law. In pursuance to this, respondent No.1 filed a representation before authorities concerned claiming the same relief, which representation was rejected, which led to the filing of the Original Application by the applicant claiming the same relief as extended to the similarly situated employees in **Pardeep Kumar's case (supra)**. While deciding said O.A filed by respondent No.1, the Tribunal vide impugned order has granted the said benefit in favour of the respondent No.1, which grant of benefit has been impugned in the present petition.

12. Upon a question being asked to learned counsel for the petitioner as to what is the differentiating factor between the applicants in **Pardeep Kumar's case (supra)** and respondent No.1 qua service conditions, learned counsel has not been able to point out even a single differentiating factor between the applicants in **Pardeep Kumar's case (supra)** and respondent No.1 herein qua service conditions. On being asked whether respondent No.1 was in service as on 08.05.2006, the reply is in the positive which means that the judgment dated 07.03.2014 passed by Division Bench, is to be looked into whether the same is applicable upon respondent No.1 or not.

13. As mentioned earlier, the benefit of pay scale vide letter dated 08.02.1989 was extended to all the employees, who were in service upto 08.05.2006. That being so, respondent No.1, who was appointed in the year 1986, who got her services regularized in 1987 and got confirmed in the service in the year 1990, was very much covered by the judgment dated 07.03.2014 of Division Bench in CWP No.11546 of 2008 for grant of benefit, in terms of letter dated 08.02.1989, as she was in service of the petitioner as on 08.05.2006.

14. The question which now arises for adjudication is that whether the Union of India can restrict the implementation of the judgment of Division Bench



the extent that the same is only applicable upon the applicants in **Pardeep Kumar's case (supra)**?

15. Once a competent Court of law has granted the benefit to all the employees, who were in service upto 08.05.2006 i.e when letter dated 08.02.1989 was withdrawn, having prospective operation restricting the said benefit by the Union of India only to the applicants in Original application in **Pardeep Kumar's case (supra)** is incorrect and is rather contrary to the specific direction given by Division Bench of this Court vide order dated 07.03.2014 that all the employees who are in service upto 08.05.2006, will be entitled to the benefit, in terms of letter dated 08.02.1989, especially when the said direction has been upheld by Hon'ble Supreme Court. Respondent No.1, who is concededly similarly situated employee to the applicants in **Pardeep Kumar's case (supra)**, has rightly been granted the benefit by the Tribunal.

16. Further, as per the judgment passed by Hon'ble Supreme Court of India in **State of U.P vs. Arvind Kumar Srivastava in Civil Appeal No.9849 of 2014 (2015), SCC 347**, it has been held that once the question of law has been settled by a competent court of law, everyone who is covered by such judgment should be extended the benefit rather forcing everyone to approach the court to seek the same relief. Relevant paragraph of the judgment is reproduced hereunder:

“22 (3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma and Ors. v. Union of India (supra). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such



an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.

17. Keeping in view the fact that no differentiating factor has been pointed out by learned counsel for the petitioner-UT between the applicants in **Pardeep Kumar's case (supra)** and respondent No.1, the grant of same benefit in favour of respondent No.1 by the Tribunal cannot be treated as arbitrary or illegal. Rather the same is in consonance with the judgment of Division Bench which upheld the decision in **Pardeep Kumar's case (supra)** while passing order dated 07.03.2014 in CWP No. 11546 of 2008 which judgment has already been upheld by Hon'ble Supreme Court.

18. Last argument, which has been raised by learned counsel for the petitioner is that after the decision of Hon'ble Supreme Court on 20.07.2015, a review petition was filed for review of the judgment dated 07.03.2014 passed by Division Bench wherein the review Bench has held that the order passed by the Division Bench is only qua the applicants in **Pardeep Kumar's case (supra)**. The said argument is consequently rejected being not sustainable, keeping in view the order dated 07.02.2020 passed by the Division Bench in review, the operative part of which reads as under:

“[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.”

19. A bare perusal of the above quoted extract of the judgment would show that the application seeking clarification was dismissed/rejected. Due reasons have been given for the same and the said reasons are being misinterpreted by the petitioner so as to claim that the order passed by the Division Bench in review/clarification is only admissible qua the applicants in **Pardeep Kumar's case (supra)** which view of petitioner is wrong. Once the order dated 07.03.2014 grants the benefit to all, who are in service upto 08.05.2006, coupled with the fact that clarification application was dismissed, main order will stand and according to the same, respondent No.1 has rightly been granted the benefit by the Tribunal.

20. No ground is made out warranting interference.

21. Petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

15.10.2025
manoj

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No