



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-15397-2026

DATE OF DECISION: 18.05.2026

POST GRADUATE INSTITUTE OF MEDICAL
EDUCATION AND RESEARCH CHANDIGARH

... Petitioner

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH AND OTHERS ... RespondentsCORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDAPresent: Mr. Amit Jhanji, Senior Advocate with
Mr. Abhishek K. Premi, Advocate for the petitioner.

Mr. Rakesh Gupta, Advocate for the respondents No. 2 to 94.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The present writ petition has been filed for setting aside the impugned orders dated 16.07.2025 (Annexure P-1) and 12.01.2026 (Annexure P-2) passed by the Central Administrative Tribunal Chandigarh Bench (for short – the ‘Tribunal’).
2. Learned counsel for the parties are in agreement that the Tribunal has granted the relief beyond the prayer of the applicants therein qua the direction issued that even the recommendation of the Co-ordination Committee approved by the governing-body of PGIMER, Chandigarh without delay is to be implemented. Hence, such direction given is not sustainable in view of the judgment of the Hon’ble Supreme Court of India in *Civil Appeal No.5798-99 of 2008 titled “Bachhaj Nahar Vs. Nilima Mandal and another”*, decided on 23.09.2008. Accordingly, said direction given is set aside. The relevant paragraph of the judgment is reproduced hereunder:-

“The High Court has ignored the aforesaid principles relating to the object and necessity of pleadings. Even though right of easement was not pleaded



or claimed by the plaintiffs, and even though parties were at issue only in regard to title and possession, it made out for the first time in second appeal, a case of easement and granted relief based on an easementary right. For this purpose, it relied upon the following observations of this Court in Nedunuri Kameswaramma v. Sampati Subba Rao [AIR 1963 SC 884]:

"No doubt, no issue was framed, and the one, which was framed, could have been more elaborate, but since the parties went to trial fully knowing the rival case and led all the evidence not only in support of their contentions but in refutation of those of the other side, it cannot be said that the absence of an issue was fatal to the case, or that there was that mistrial which vitiates proceedings. We are, therefore, of opinion that the suit could not be dismissed on this narrow ground, and also that there is no need for a remit, as the evidence which has been led in the case is sufficient to reach the right conclusion."

But the said observations were made in the context of absence of an issue, and not absence of pleadings. The relevant principle relating to circumstances in which the deficiency in, or absence of, pleadings could be ignored, was stated by a Constitution Bench of this Court in Bhagwati Prasad vs. Shri Chandramaul - AIR 1966 SC 735 :

"If a plea is not specifically made and yet it is covered by an issue by implication, and the parties knew that the said plea was involved in the trial, then the mere fact that the plea was not expressly taken in the pleadings would not necessarily disentitle a party from relying upon it if it is satisfactorily proved by evidence. The general rule no doubt is that the relief should be founded on pleadings made by the parties. But where the substantial matter relating to the title of both parties to the suit was touched, though indirectly or even obscurely in the issues, and evidence has been led about them then the argument that a particular matter was not expressly taken in the pleadings would be purely formal and technical and cannot succeed in every case. What the Court has to consider in dealing with such an objection is : did the parties know that the matter in question was involved in the trial, and did they lead evidence about it? If it appears that the parties did not know that the matter was in issue at the trial and one of them has had no opportunity to lead evidence in



respect of it, that undoubtedly would be a different matter. To allow one party to rely upon a matter in respect of which the other party did not lead evidence and has had no opportunity to lead evidence, would introduce considerations of prejudice, and in doing justice to one party, the Court cannot do injustice to another."

(emphasis supplied) The principle was reiterated by this Court in Ram Sarup Gupta (dead) by LRs., vs. Bishun Narain Inter College [AIR 1987 SC 1242]:

"It is well settled that in the absence of pleading, evidence, if any, produced by the parties cannot be considered. It is also equally settled that no party should be permitted to travel beyond its pleading and that all necessary and material facts should be pleaded by the party in support of the case set up by it. The object and purpose of pleading is to enable the adversary party to know the case it has to meet. In order to have a fair trial it is imperative that the party should state the essential material facts so that other party may not be taken by surprise. The pleadings however should receive a liberal construction, no pedantic approach should be adopted to defeat justice on hair splitting technicalities. Sometimes, pleadings are expressed in words which may not expressly make out a case in accordance with strict interpretation of law, in such a case it is the duty of the court to ascertain the substance if the pleadings to determine the question. It is not desirable to place undue emphasis on form, instead the substance of the pleadings should be considered. Whenever the question about lack of pleading is raised the enquiry should not be so much about the form of pleadings, instead the court must find out whether in substance the parties knew the case and the issues upon which they went to trial. Once it is found that in spite of deficiency in the pleadings, parties knew the case and they proceeded to trial on those issue by producing evidence, in that event it would not be open to a party to raise the question of absence of pleadings in appeal."

[emphasis supplied]

3. Learned Senior counsel for the petitioner submits that the first prayer with regard to the grant of benefit of the revised pay scale as being granted to the respondents and to their counter-parts at AIIMS, New Delhi in pursuance to the



judgment dated 15.07.2015 in OA No.3335 of 2011, which has also attained finality upto the Hon'ble Supreme Court of India and which has also been implemented, the same could not have been granted.

4. We have heard learned Senior counsel for the petitioner and Mr. Rakesh Gupta, Advocate for private respondents have gone through the record with their able assistance.

5. It has already come on record that as far back as in 1974, the petitioner had already decided that the employees of the petitioner-Institution are entitled to the benefit of pay scale which is being granted to their counter-parts in AIIMS, New Delhi and even such recommendation has been made by the petitioner-Institution for the consideration of the competent authority as well. Learned Senior counsel has not been able to rebut that once the said stand has already come on record and has been made the basis for the grant of the said relief in terms of the judgment in OA No. 3335 of 2011 decided on 15.07.2015, how the same is perverse on facts or on law, especially when such fact that the petitioner-Institution treated the employees of the counter-parts of the petitioner-Institution on the same footing as compared to their counter-parts working in AIIMS, New Delhi, therefore, now challenging the judgment will mean taking a somersault.

6. Further, the somersault can only be taken in case there is a resolution of the petitioner to hold that the initial decision taken by the petitioner-Institution in 1974 to treat its employees on an equivalent footing as their counter-parts working in the AIIMS, New Delhi, has been rescinded or modified. In the absence of any such resolution passed or shown to this Court, grant of the said benefit to the respondents equivalent to their counter-parts working in AIIMS, New Delhi, which has already been upheld up to the Hon'ble Supreme Court of India, does not call for any interference of this Court in the present petition.



7. In view of the above, the present petition is partly allowed and the direction given by the Tribunal with regard to the implementation of the recommendation of the Co-ordination Committee as given in para 27 of order dated 16.07.2025 is set aside keeping in view the agreement between the parties that the same was not even the prayer and the Tribunal could not have granted the benefit outside the prayer while adjudicating the issue at hand. Rest of the relief granted to the respondents in para 27 of the order mentioned hereinbefore is upheld.

8. Petition is disposed of in above said terms.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

18.05.2026
sapna adhikari

Whether speaking/reasoned : Yes
Whether reportable : No