



CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

...

O.A. No.60/1442/2017 Date of decision: 29.01.2020

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A).**

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Ramanjot W/o Dr. Devant Goswami, aged 39 years, presently working as Physiotherapist at Government Institute for Mentally Retarded Children, Sector-32, Chandigarh, Group-C.

...APPLICANT

BY: SH. JAGDEEP JASWAL, COUNSEL FOR THE APPLICANT.

VERSUS

1. Chandigarh Administration through its Home Secretary-cum Secretary, Department of Medical Education & Research, U.T. Secretariat, Chandigarh.
2. The Finance Secretary, Chandigarh Administration, Secretariat, U.T. Chandigarh.
3. The Director, Government Institute of Mentally Retarded Children (now GRIID) Ashadeep Building, Sector-32, Chandigarh.

...RESPONDENTS

BY: SH. ARVIND MOUODGIL, COUNSEL FOR THE RESPONDENTS.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Applicant who is working as Physiotherapist has approached this Tribunal challenging order dated 4.8.2017, whereby her claim for grant of higher pay scale as granted to her junior, who were appointed subsequently, has been declined.
2. Facts are not in dispute.



3. Applicant was appointed as Physiotherapist pursuant to an advertisement (Annexure R-5) in the pay scale of Rs.5000-8100 on 22.7.2007. Thereafter, another advertisement was issued by the Department in the year 2007 in the pay scale of Rs.5480-8925 (Annexure A-5). This became a ground for the applicant to agitate the matter that persons who were appointed on the same very post in the same department were getting higher salary. Therefore, he moved representation, which was rejected by the respondents by impugned order. Hence this O.A.
4. Sh. Jagdeep Jaswal, learned counsel for the applicant argued that action of the respondents in rejecting claim of the applicant for giving same very pay scale which has been given to persons, who were appointed as a result of advertisement issued in 2007, by a non-speaking order is illegal, arbitrary and liable to be set aside. He submitted that applicant is working on same very post in the same very department, therefore, respondents cannot have two different pay scales for the same very post. Hence he alleged that the impugned order is discriminatory.
5. Respondents have filed written statement wherein they have supported the impugned order and submitted that since applicant was appointed in a particular pay scale then he cannot agitate the matter on the basis of subsequent appointments on higher post. Sh. Moudgil submitted that the respondent



department is having new Rules of 2016, therefore, there are different pay scales for these posts.

6. We have given our thoughtful consideration to the entire matter and are of the view that once persons are working on the same very post in the same very department then, there cannot be two different pay scales, therefore, we deem it appropriate that the respondents should re-examine the matter.
7. Accordingly, the impugned order is set aside and respondents are directed to re-appreciate the pleas raised by the applicant in his representation, which he will file within ten days from today. On receipt of same, respondents will re-examine the case of the applicant and while deciding his claim they are directed to look in the rules and pass a reasoned and speaking order. No costs.

**(NAINI JAYASEELAN)
MEMBER (A)**

Date: 29.01.2020.
Place: Chandigarh.

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**(SANJEEV KAUSHIK)
MEMBER (J)**