



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1212/2019 Date of decision: 20.11.2020

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. ANAND MATHUR, MEMBER (A).**

...

Smt. Priyanka Sethi, W/o Sh. Yogesh Nagpal, aged 42 years, working as Steno Typist in the Office of State Transport Authority, U.T., Sector-18, Chandigarh-160018.

...APPLICANT

BY: SH. D.R. SHARMA, COUNSEL FOR THE APPLICANT.

VERSUS

1. Chandigarh Administration through Secretary, Transport Department, Union Territory Secretariat, Sector-9, Chandigarh-160009.
2. The Secretary, State Transport Authority, U.T., Sector-18 A, Chandigarh-160018.
3. Advisor to the Administrator, U.T. Secretariat, Sector-9, Chandigarh-160009.

...RESPONDENTS

BY: SH. AMITABH TIWARI, COUNSEL FOR THE RESPONDENTS.



ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant is before this Court for invalidation of order dated 04.11.2019/15.11.2019 (Annexure A-1), whereby her claim for promotion to the post of Senior Assistant has been rejected. She has further sought issuance of a declaration that as per note no.2 given in the new Common Cadre Rules of 2019, her right regarding promotion/seniority cannot be adversely affected because she was not recruited under Common Cadre Rules and is already working in State Transport Authority/Department, with further direction to the respondents to promote her in terms of earlier Rules of 2001 as the two posts of Senior Assistant are lying vacant at that time.
2. After exchange of pleadings, when matter came up for hearing on 29.10.2020, learned counsel for the applicant prayed that present case may be disposed of in terms of decision dated 24.07.2020 in O.A. No.60/1212/2019 titled as **Ranjit Singh & Ors. Vs. U.T. Chandigarh & Ors.** (Annexure M.A.1 running page 76 of paper-book), where this Court disposed of O.A. by holding that in terms of Note 2 of the Recruitment Rules, persons who were not recruited under Common Cadre Rules and were already in service, their rights will not be prejudiced.



3. Earlier, Sh. Amitabh Tewari, learned counsel for the respondents had sought time to have clarification. Today, when the matter came up for consideration, he made a statement that department has no objection to disposal of the O.A. in the lines of Ranjit Singh's case (supra).

Relevant para of the same reads as under:-

"4. Today, when matter came up for consideration, learned counsel for the respondents suffers a statement on the basis of instructions from the department that they have no objection to disposal of the O.A. in view of Note-2 of Recruitment Rules dated 23.9.2019 (Annexure A-1), wherein it has been indicated that these Rules will not affect rights of the employees, who were not recruited under Common Cadre and are already working in various departments, regarding their promotion, seniority etc. in their respective cadre/offices.

5. Accordingly, the O.A. along with all the pending MAs stands disposed of in the above terms."

4. Considering above, present O.A. stands disposed of in the same terms as in the case of Ranjit Singh (Supra).

Respondents are directed to grant consequential benefit to the applicant in terms of earlier rules expeditiously but not later than four months from the date of receipt of a copy of this order.

(ANAND MATHUR)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 20.11.2020.
Place: Chandigarh.

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