

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH**

...

Chandigarh, this the 28th day of April, 2015

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**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J)****(I) OA. 060/00687/14**

1. Ramesh Chand S/o Late Sh. Chhantankoo Ram, Laboratory Assistant.
2. Tejinder Singh S/o Sh. Charan Singh, Oil Man.
3. Dharam Singh S/o Sh. Jeet Ram, Beldar
4. Malkit Singh S/o Sh. Karam Singh, Beldar
5. Murugesan S/o Sh. Kapoori, Chowkidar
6. Atul Kumar S/o Sh. Amrit Lal, Beldar
7. Mangoo Ram S/o Sh. Meharban Singh, Beldar

...Applicants

BY ADVOCATE: MR. BARJESH MITTAL**VERSUS**

1. Union Territory, Chandigarh Administration, through its Secretary, Department of Finance, UT Civil Secretariat, Sector 9, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, Engineering Department, UT Civil Secretariat, Sector 9, Chandigarh.
3. Municipal Corporation, Chandigarh through its Commissioner.
4. Chief Engineer, Municipal Corporation, Chandigarh.

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5. Executive Engineer, Municipal Corporation, Public Health, Division No. 1, Chandigarh.
6. Sub Divisional Engineer, Municipal Corporation, Public Health, Sub Division No. 10, Chandigarh.

...Respondents

BY ADVOCATE: **MR. G.S. SULLAR FOR MR. H.S. SULLAR
COUNSEL FOR RESPDTS. No. 1&2.
MR. APOORV THAKUR FOR MR. ARVIND
MOUDGIL FOR RESPDTS. NO. 3-6**

(II) OA. 060/00690/2014

1. Kewal Krishan S/o Late Sh. Amarnath, Chowkidar
2. Ram Nath S/o Sh. Harkesh Chand, Chowkidar
3. Amrik Singh S/o Sh. Mangat Ram, Chowkidar
4. Wattan Chand S/o Sh. Dhani Ram, Chowkidar
5. Nar Singh S/o Sh. Jeet Ram, Chowkidar
6. Subhash Chand S/o Sh. Amar Nath, Chowkidar

...Applicants

BY ADVOCATE: **MR. BARJESH MITTAL**

VERSUS

1. Union Territory, Chandigarh Administration, through its Secretary, Department of Finance, UT Civil Secretariat, Sector 9, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, Engineering Department, UT Civil Secretariat, Sector 9, Chandigarh.
3. Municipal Corporation, Chandigarh through its Commissioner.
4. Chief Engineer, Municipal Corporation, Chandigarh.

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5. Executive Engineer, Municipal Corporation, Public Health, Division No. 3, Chandigarh.
6. Sub Divisional Engineer (Water Skupply), Municipal Corporation, Public Health, Sub Division No. 9, Sector 37, Chandigarh.

...Respondents

BY ADVOCATE: **MR. G.S. SULLAR FOR MR. H.S. SULLAR
COUNSEL FOR RESPDTS. No. 1&2.
MR. APOORV THAKUR FOR MR. ARVIND
MOUDGIL FOR RESPDTS. NO. 3-6**

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. Both these OAs have been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to the respondents that the new defined contributory pension scheme notified by the Punjab Government on 12.12.2006 which had been adopted by Chandigarh Administration on 11.6.2009 which had further been adopted by the Municipal Corporation Chandigarh be not made applicable to the applicants. It has also been requested that the earlier provisions relating to old pension Scheme under the Punjab Civil Service Rules be applied in the case of the respondents in view of the law as propounded by Hon'ble Punjab



and Haryana High Court in **Harbans Lal Vs. State of Punjab, 2012(3) SCT 362** as well as in view of the order dated 18.4.2013 passed by the Tribunal in OA No. 585/CH/2012 titled **Jagmohinder Singh & Ors. Vs. UOI & Ors.** Since the relief sought and the facts and issues involved in these OAs are similar, they are disposed of through a common order.

2. Short replies have been filed separately on behalf of respondents No. 1 & 2 and on behalf of respondents No. 3, 4, 5 & 6.

3. Rejoinder has also been filed on behalf of the applicants rebutting the short replies filed on behalf of the respondents.

4. When the matter was taken up for consideration today, learned counsel for the applicants stated that the claim in these OAs was squarely covered by judgement dated 22.4.2015 in OA No. 060/00670/2014 titled **Rajinder Singh and another Vs. UT Chandigarh Administration & Ors.** and requested that these OAs may be similarly decided.

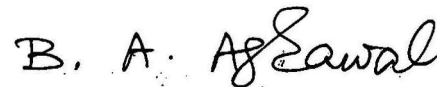
5. We have gone through the material on record and are satisfied that the claim made in these OAs is identical to that in OA No. 060/00670/2014 decided on 22.4.2015. Keeping in view the

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judgement dated 22.5.2015, the present OAs are allowed and the respondents are directed to treat the applicants as covered by the pension scheme in force prior to 1.1.2004 and not to compel them to join the new Defined Contributory Pension Scheme. No costs.



(RAJWANT SANDHU)
MEMBER(A)



(DR. BRAHM A. AGRAWAL)
MEMBER (J)

Dated: April 28th, 2015

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