

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00511/2014

Date of Decision : 10.06.2014

CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER

1. Jaswant Singh, age 58 years, son of Sh. Bachan Singh, Sub Divisional Engineer (Electrical), Sub Division No.9, Union Territory, Sector 31, Chandigarh.
2. Prem Dass, age 58 years, son of Sh. Bhalku Ram, Sub Divisional Engineer (Public Health) Sanitary Installation, Sub Division No.2, U.T., Sector 9, Chandigarh.

Applicants

Versus

1. Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9/D, Chandigarh through its Administrator.
2. Advisor, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9/D, Chandigarh.
3. Secretary, Engineering, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9/D, Chandigarh.
4. Secretary, Union Territory, Chandigarh Administration, Department of Personnel, U.T. Civil Secretariat, Deluxe Building, Sector 9/D, Chandigarh.
5. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9/D, Chandigarh.

Respondents

Present: Sh. N.P. Mittal, counsel for the applicants

As —————

ORDER (Oral)
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

- "8 (i) That respondents be directed to produce the complete original records of both the applicants for kind perusal of this Tribunal with reference to and also the records of Annexure A-8 as well as the officers whose details have been given in para 4 (xiii) in the present OA.
- (ii) That a direction to the respondents be issued for the grant of extension in service in favour of both the applicants beyond their superannuation in view of the order (Annexure A-10) adopted vide order (Annexure A-1) with all consequential benefits.

2. When the matter came up for hearing on admission, learned counsel vehemently argued that the applicants were entitled to extension in service as per notifications issued by the Punjab Government and adopted by the U.T. as follows:-

- i) Notification No.14012/2/88-CHD, dated 13.01.1992 (Annexure A-9) issued by the Government of India framing the rules called the "Conditions of Service of Union Territory of Chandigarh Employees Rules, 1992. As per this notification, the condition of service of persons appointed to the Central Civil Services and posts in Group A, B, C and D under the administrative control of the Administrator of U.T. Chandigarh shall subject to any other provisions made by the President in this behalf, be the same as the conditions of persons appointed to corresponding posts in Punjab Civil Services and shall be covered by the same Rules and orders as are for the time being applicable to the latter category of persons.

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- ii) Notification No.22/2/2012-3FP2/469, dated 08.10.2012 issued by the Government of Punjab, Department of Finance framing the rules called the "Punjab Civil Services (First Amendment) Rules, Volume-I, Part-I, 2012". As per these statutory rules, the provision has been made by the Government of Punjab for continuation granting extension of two years after the date of superannuation of a Government employee. These rules are applicable as per the notification dated 13.01.1992.
- iii) Order No.22/2/2013-3FP2/475, dated 08.10.2012 (Annexure A-10) "Regarding extension in service for one year for the employees of the Punjab Governemnt".
- iv) Order No.22/2/2013-3FP2/471, dated 20.09.2013 (Annexure A-10) "Regarding extension of service for one more year for the employees of the Punjab Government Employees".
- v) Order No.34/55-1H(7)-2013/23203, dated 19.12.2013 (Annexure A-1) passed by the office of respondent no.4, Secretary, DOP, Chandigarh Administration adopting the orders issued by the Government of Punjab dated 20.09.2013 (Annexure A-10) in respect of the employees of the U.T. Chandigarh and for all other Boards, Corporations of U.T Chandigarh.

However, the respondent Chandigarh Administration was adopting a pick and chose policy and not deciding the pending requests of the applicants for extension in service. Since the applicants were due to retire on 30.06.2014, hence this OA.


3. It appears from the material on record and the submissions of the learned counsel for the applicants that the options for extension in service beyond the date of superannuation in respect of the applicants have been submitted as early as March, 2014 to the higher authorities but the applicants have not been conveyed decision in this regard. The



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present OA appears to be premature in the sense that there is no impugned order and as such the same does not appear to be maintainable under Section 19 of the Administrative Tribunals Act, 1985. However, keeping the ends of justice in view, the OA is disposed of with direction to the respondents to consider the options exercised by the applicants for extension of their service beyond 30.06.2014, well before their date of superannuation and decision in this regard may also be conveyed to the applicants before 30.06.2014.

4. OA stands disposed of accordingly. 'Dasti'.


(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

Place: Chandigarh
Dated: 10.06.2014
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